

SERVE

2001

# ILLINOIS

## REGISTER RULES OF GOVERNMENTAL AGENCIES



Volume 25, Issue 04  
January 26, 2001

Pages 1037 – 1888



Index Department  
Administrative Code Div.  
111 East Monroe Street  
Springfield, IL 62756  
(217) 782-7017  
<http://www.cyberdriveillinois.com>



Printed on recycled paper

PUBLISHED BY JESSE WHITE • SECRETARY OF STATE

# ILLINOIS REGISTER

## TABLE OF CONTENTS

January 26, 2001 Volume 25 Issue #4

### PROPOSED RULES

#### CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF

|           |                       |      |
|-----------|-----------------------|------|
| Pay Plan; | 80 Ill. Adm. Code 310 | 1037 |
|-----------|-----------------------|------|

#### NATURAL RESOURCES, DEPARTMENT OF

|   |                       |      |
|---|-----------------------|------|
| White-Tailed Deer Hunting By Use of Bow and Arrow;        | 17 Ill. Adm. Code 670 | 1047 |
| White-Tailed Deer Hunting By Use of Firearms;             | 17 Ill. Adm. Code 650 | 1060 |
| White-Tailed Deer Hunting By Use of Muzzleloading Rifles; | 17 Ill. Adm. Code 660 | 1079 |

#### PUBLIC HEALTH, DEPARTMENT OF

|  |                       |      |
|--|-----------------------|------|
| Assisted Living and Shared Housing Establishment Code; | 77 Ill. Adm. Code 295 | 1091 |
|--|-----------------------|------|

#### RACING BOARD, ILLINOIS

|                 |                       |      |
|-----------------|-----------------------|------|
| Claiming Races; | 11 Ill. Adm. Code 510 | 1165 |
|-----------------|-----------------------|------|

#### REVENUE, DEPARTMENT OF

|                            |                       |      |
|----------------------------|-----------------------|------|
| Retailers' Occupation Tax; | 86 Ill. Adm. Code 130 | 1169 |
| Use Tax;                   | 86 Ill. Adm. Code 150 | 1171 |

#### SECRETARY OF STATE

|                                     |                        |      |
|-------------------------------------|------------------------|------|
| Commercial Driver Training Schools; | 92 Ill. Adm. Code 1060 | 1173 |
|-------------------------------------|------------------------|------|

#### STUDENT ASSISTANCE COMMISSION, ILLINOIS

|   |                        |      |
|---|------------------------|------|
| Alternative Loan Program;                                 | 23 Ill. Adm. Code 2721 | 1182 |
| College Savings Bond Bonus Incentive Grant (BIG) Program; | 23 Ill. Adm. Code 2771 | 1186 |
| Federal Family Education Loan Program (FFELP);            | 23 Ill. Adm. Code 2720 | 1191 |
| General Provisions;                                       | 23 Ill. Adm. Code 2700 | 1205 |

### PROPOSED RULES (CONT'D)

#### STUDENT ASSISTANCE COMMISSION, ILLINOIS (CONT'D)

|  |                        |      |
|--|------------------------|------|
| Illinois Incentive For Access (IIA) Program;         | 23 Ill. Adm. Code 2736 | 1224 |
| Illinois National Guard (ING) Grant Program;         | 23 Ill. Adm. Code 2730 | 1228 |
| Illinois Prepaid Tuition Program;                    | 23 Ill. Adm. Code 2775 | 1232 |
| Illinois Veteran Grant (IVG) Program;                | 23 Ill. Adm. Code 2733 | 1241 |
| Monetary Award Program (MAP);                        | 23 Ill. Adm. Code 2735 | 1247 |
| Student To Student (STS) Program Of Matching Grants; | 23 Ill. Adm. Code 2770 | 1256 |

### ADOPTED RULES

#### ENVIRONMENTAL PROTECTION AGENCY

|  |                                  |      |
|--|----------------------------------|------|
| Procedures for Collection of Review and Evaluation Services Costs; | 35 Ill. Adm. Code 859, Repeal of | 1260 |
| State Remedial Action Priorities List;                             | 35 Ill. Adm. Code 860, Repeal of | 1262 |

#### INSURANCE, DEPARTMENT OF

|  |                                  |      |
|--|----------------------------------|------|
| Retrospective Compensation Agreements; | 50 Ill. Adm. Code 922, Repeal of | 1264 |
|--|----------------------------------|------|

#### POLLUTION CONTROL BOARD

|  |                       |      |
|--|-----------------------|------|
| Hazardous Waste Management System: General;    | 35 Ill. Adm. Code 720 | 1266 |
| Identification and Listing of Hazardous Waste; | 35 Ill. Adm. Code 721 | 1281 |
| Land Disposal Restrictions;                    | 35 Ill. Adm. Code 728 | 1296 |
| Pretreatment Programs;                         | 35 Ill. Adm. Code 310 | 1322 |
| Primary Drinking Water Standards;              | 35 Ill. Adm. Code 611 | 1329 |
| Sewer Discharge Criteria;                      | 35 Ill. Adm. Code 307 | 1735 |

#### PROFESSIONAL REGULATION, DEPARTMENT OF

|   |                        |      |
|---|------------------------|------|
| Illinois Architecture Practice Act of 1989; | 68 Ill. Adm. Code 1150 | 1754 |
|---|------------------------|------|



**JOINT COMMITTEE ON ADMINISTRATIVE RULES – STATEMENT OF  
OBJECTIONS, SUSPENSIONS, RECOMMENDATIONS, PROHIBITED FILINGS &  
APPROVALS (CONT'D)**

|  |      |
|--|------|
| <b>ADOPTED RULES (CONT'D)</b>  |      |
| <b>SECRETARY OF STATE</b>  |      |
| Regulations Under the Illinois Business Brokers Act of 1995;   |      |
| 14 Ill. Adm. Code 140 .....  | 1779 |
| <b>EMERGENCY RULES</b>   |      |
| <b>REVENUE, DEPARTMENT OF</b>  |      |
| Retailers' Occupation Tax;   |      |
| 86 Ill. Adm. Code 130 .....  | 1792 |
| Service Occupation Tax;  |      |
| 86 Ill. Adm. Code 140 .....  | 1811 |
| Use Tax;   |      |
| 86 Ill. Adm. Code 150 .....  | 1821 |
| <b>NOTICE OF PUBLIC HEARING</b>  |      |
| <b>PUBLIC HEALTH, DEPARTMENT OF</b>  |      |
| Assisted Living and Shared Housing Establishment Code;   |      |
| 77 Ill. Adm. Code 295 .....  | 1830 |
| <b>NOTICE OF PUBLIC INFORMATION</b>  |      |
| <b>BANKS AND REAL ESTATE, OFFICE OF</b>  |      |
| Notice of Emergency Suspension Under the   |      |
| Residential Mortgage License Act of 1987 .....   | 1832 |
| <b>LOTTERY, DEPARTMENT OF THE</b>  |      |
| List of Game-Specific Materials Published by the Lottery   |      |
| During Calendar Year 2000 .....  | 1833 |
| <b>REVENUE, DEPARTMENT OF</b>  |      |
| Index of Letter Rulings (2000 - 4 <sup>th</sup> Quarter) (ROT) .....   | 1836 |
| <b>JOINT COMMITTEE ON ADMINISTRATIVE RULES – STATEMENT OF<br/>OBJECTIONS, SUSPENSIONS, RECOMMENDATIONS, PROHIBITED FILINGS &amp;<br/>APPROVALS</b> |      |
| <b>BANKS AND REAL ESTATE, OFFICE OF</b>  |      |
| High Risk Home Loans;  |      |
| 38 Ill. Adm. Code 345, Objection (Emergency) .....   | 1855 |

|   |      |
|---|------|
| <b>BANKS AND REAL ESTATE, OFFICE OF (CONT'D)</b>  |      |
| Illinois Savings and Loan Act of 1985;  |      |
| 38 Ill. Adm. Code 1000, Objection (Emergency) .....   | 1856 |
| Residential Mortgage License Act of 1987;   |      |
| 38 Ill. Adm. Code 1050, Objection (Emergency) .....   | 1857 |
| Savings Bank Act;   |      |
| 38 Ill. Adm. Code 1075, Objection (Emergency) .....   | 1858 |
| <b>COMMERCE COMMISSION, ILLINOIS</b>  |      |
| Requirements for Non-Business Entities with Private Business Switch Service to<br>Comply with the Emergency Telephone System Act; |      |
| 83 Ill. Adm. Code 727, Prohibition .....  | 1859 |
| <b>EDUCATION, STATE BOARD OF</b>  |      |
| Standards for Certification in Special Education;   |      |
| 23 Ill. Adm. Code 28, Suspension .....  | 1860 |
| <b>HUMAN RIGHTS, DEPARTMENT OF</b>  |      |
| Housing Discrimination;   |      |
| 71 Ill. Adm. Code 2300, Recommendation .....  | 1861 |
| <b>POLLUTION CONTROL BOARD</b>  |      |
| Mobile Sources;   |      |
| 35 Ill. Adm. Code 240, Recommendation (Exempt Rule) .....   | 1862 |
| RCRA and UIC Permit Program;  |      |
| 35 Ill. Adm. Code 702, Recommendation (Exempt Rule) .....   | 1863 |
| Underground Injection Control Operating Requirements;   |      |
| 35 Ill. Adm. Code 730, Recommendation (Exempt Rule) .....   | 1864 |

**REQUEST FOR EXPEDITED CORRECTION**

|   |      |
|---|------|
| <b>POLLUTION CONTROL BOARD</b>  |      |
| Standards Applicable to Generators of Hazardous Waste;  |      |
| 35 Ill. Adm. Code 722 .....   | 1865 |
| Standards for Owners and Operators of Hazardous Waste Treatment, Storage,<br>And Disposal Facilities; |      |
| 35 Ill. Adm. Code 724 .....   | 1875 |

JOINT COMMITTEE ON ADMINISTRATIVE RULES

Second Notices Received ..... 1887

ISSUES INDEX ..... I-1

INTRODUCTION

The *Illinois Register* is the official state document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. The Register also contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current Register volume year and a Sections Affected Index listing by Title each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume year. Both indices are action coded and are designed to aid the public in monitoring rules.

Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or peremptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State statute; and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies; is also published in the Register.

The Register is a weekly update to the *Illinois Administrative Code* (a compilation of the rules adopted by State agencies). The most recent edition of the Code along with the Register comprise the most current accounting of State agencies' rules.

The Illinois Register is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1 et seq.].



## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Pay Plan
- 2) Code Citation: 80 Ill. Adm. Code 310
- 3) Section Number: 310.280  
Proposed Action: Amend
- 4) Statutory Authority: Authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 8a].
- 5) A Complete Description of the Subjects and Issues Involved: In Section 310.280, Designated Rate, the annual salary for a Public Service Administrator position (37015-10-23-100-30-01) is being increased from \$73,632 to \$76,572 at the request of the Department of Human Services.
- Also, the annual salary for a Public Service Administrator position (37015-42-35-140-20-01) is being increased from \$79,728 to \$87,720 at the request the Department of Commerce and Community Affairs.
- 6) Will this proposed amendment replace an emergency amendment currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain any incorporations by reference? No
- 9) Are there any proposed amendments pending to this Part? Yes

| Section Numbers      | Proposed Action | Ill. Reg. Citation |
|----------------------|-----------------|--------------------|
| 310.280              | Amend           | 24 Ill. Reg. 14844 |
| 310.280              | Amend           | 24 Ill. Reg. 15486 |
| APPENDIX A, TABLE AB | Amend           | 24 Ill. Reg. 16151 |
| 310.290              | Amend           | 24 Ill. Reg. 17384 |

- 10) Statement of Statewide Objectives: These amendments to the Pay Plan pertain only to State employees subject to the Personnel Code and do not set out any guidelines that are to be followed by local or other jurisdictional bodies within the State.

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Mr. Michael Murphy  
 Department of Central Management Services  
 Division of Technical Services  
 504 William G. Stratton Building  
 Springfield, Illinois 62706  
 (217) 782-5601

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENT

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None. The Department of Central Management Services' Pay Plan extends only to Personnel Code employees under the Jurisdiction of the Governor.
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: January 2000

The full text of the Proposed Amendments begins on the next page:

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENT

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES  
SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND  
POSITION CLASSIFICATIONS

## CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 310  
PAY PLAN

## SUBPART A: NARRATIVE

| Section |  |
|---------|--|
| 310.20  | Policy and Responsibilities  |
| 310.30  | Jurisdiction   |
| 310.40  | Pay Schedules  |
| 310.50  | Definitions  |
| 310.60  | Conversion of Base Salary to Pay Period Units  |
| 310.70  | Conversion of Base Salary to Daily or Hourly Equivalents                                     |
| 310.80  | Increases in Pay   |
| 310.90  | Decreases in Pay   |
| 310.100 | Other Pay Provisions   |
| 310.110 | Implementation of Pay Plan Changes for Fiscal Year 2001                                      |
| 310.120 | Interpretation and Application of Pay Plan   |
| 310.130 | Effective Date   |
| 310.140 | Reinstitution of Within Grade Salary Increases (Repealed)                                    |
| 310.150 | Fiscal Year 1985 Pay Changes in Schedule of Salary Grades, Effective July 1, 1984 (Repealed) |

## SUBPART B: SCHEDULE OF RATES

| Section |  |
|---------|--|
| 310.205 | Introduction   |
| 310.210 | Prevailing Rate  |
| 310.220 | Negotiated Rate  |
| 310.230 | Part-Time Daily or Hourly Special Services Rate  |
| 310.240 | Hourly Rate  |
| 310.250 | Member, Patient and Inmate Rate  |
| 310.260 | Trainee Rate   |
| 310.270 | Legislated and Contracted Rate   |
| 310.280 | Designated Rate  |
| 310.290 | Out-of-State or Foreign Service Rate   |
| 310.300 | Educator Schedule for RC-063 and HR-010  |
| 310.310 | Physician Specialist Rate  |
| 310.320 | Annual Compensation Ranges for Executive Director and Assistant Executive Director, State Board of Elections |
| 310.330 | Excluded Classes Rate (Repealed)   |

## SUBPART C: MERIT COMPENSATION SYSTEM

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENT

| Section |  |
|---------|--|
| 310.410 | Jurisdiction   |
| 310.420 | Objectives   |
| 310.430 | Responsibilities   |
| 310.440 | Merit Compensation Salary Schedule   |
| 310.450 | Procedures for Determining Annual Merit Increases  |
| 310.455 | Intermittent Merit Increase  |
| 310.456 | Merit Zone (Repealed)  |
| 310.460 | Other Pay Increases  |
| 310.470 | Adjustment   |
| 310.480 | Decreases in Pay   |
| 310.490 | Other Pay Provisions   |
| 310.495 | Broad-Band Pay Range Classes   |
| 310.500 | Definitions  |
| 310.510 | Conversion of Base Salary to Pay Period Units  |
| 310.520 | Conversion of Base Salary to Daily or Hourly Equivalents                                     |
| 310.530 | Implementation   |
| 310.540 | Annual Merit Increase Guidechart for Fiscal Year 2001  |
| 310.550 | Fiscal Year 1985 Pay Changes in Merit Compensation System, effective July 1, 1984 (Repealed) |

## APPENDIX A

| TABLE A  | Negotiated Rates of Pay   |
|----------|---|
| HR-190   | (Department of Central Management Services - State of Illinois Building - SEIU) |
| TABLE AA | HR-916 (Department of Natural Resources, Teamsters)                             |
| TABLE B  | HR-200 (Department of Labor - Chicago, Illinois - SEIU) (Repealed)              |
| TABLE C  | RC-069 (Firefighters, AFSCME) (Repealed)  |
| TABLE D  | HR-001 (Teamsters Local #726)   |
| TABLE E  | RC-020 (Teamsters Local #330)   |
| TABLE F  | RC-019 (Teamsters Local #25)  |
| TABLE G  | RC-045 (Automotive Mechanics, IFPE)   |
| TABLE H  | RC-006 (Corrections Employees, AFSCME)  |
| TABLE I  | RC-009 (Institutional Employees, AFSCME)  |
| TABLE J  | RC-014 (Clerical Employees, AFSCME)   |
| TABLE K  | RC-023 (Registered Nurses, INA)   |
| TABLE L  | RC-008 (Boilermakers)   |
| TABLE M  | RC-110 (Conservation Police Lodge)  |
| TABLE N  | RC-010 (Professional Legal Unit, AFSCME)  |
| TABLE O  | RC-028 (Paraprofessional Human Services Employees, AFSCME)                      |
| TABLE P  | RC-029 (Paraprofessional Investigatory and Law Enforcement Employees, IFPE)     |
| TABLE Q  | RC-033 (Meat Inspectors, IFPE)  |
| TABLE R  | RC-042 (Residual Maintenance Workers, AFSCME)                                   |
| TABLE S  | HR-012 (Fair Employment Practices Employees, SEIU)                              |
| TABLE T  | HR-010 (Teachers of Deaf, IFT)  |
| TABLE U  | HR-010 (Teachers of Deaf, Extracurricular Paid Activities)                      |
| TABLE V  | CU-500 (Corrections, Meet and Confer Employees)                                 |
| TABLE W  | RC-062 (Technical Employees, AFSCME)  |

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENT

|            |   |
|------------|---|
| TABLE X    | RC-063 (Professional Employees, AFSCME)                               |
| TABLE Y    | RC-063 (Educators, AFSCME)  |
| TABLE Z    | RC-063 (Physicians, AFSCME)   |
| APPENDIX B | Schedule of Salary Grades - Monthly Rates of Pay for Fiscal Year 2001 |
| APPENDIX C | Medical Administrator Rates for Fiscal Year 2001                      |
| APPENDIX D | Merit Compensation System Salary Schedule for Fiscal Year 2001        |
| APPENDIX E | Teaching Salary Schedule (Repealed)                                   |
| APPENDIX F | Physician and Physician Specialist Salary Schedule (Repealed)         |
| APPENDIX G | Broad-Band Pay Range Classes Salary Schedule for Fiscal Year 2001     |

AUTHORITY: Implementing and authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 8a].

SOURCE: Filed June 28, 1967; codified at 8 Ill. Reg. 1558; emergency amendment at 8 Ill. Reg. 1990, effective January 31, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 2440, effective February 15, 1984; emergency amendment at 8 Ill. Reg. 3348, effective March 5, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 4249, effective March 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 5704, effective April 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 7290, effective May 11, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 1199, effective June 25, 1984; emergency amendment at 8 Ill. Reg. 12616, effective July 1, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 15007, effective August 6, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15367, effective August 13, 1984; emergency amendment at 8 Ill. Reg. 21310, effective October 10, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21544, effective October 24, 1984; amended at 8 Ill. Reg. 22844, effective November 14, 1984; emergency amendment at 9 Ill. Reg. 1134, effective January 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 1320, effective January 23, 1985; amended at 9 Ill. Reg. 3681, effective March 12, 1985; emergency amendment at 9 Ill. Reg. 4163, effective March 15, 1985, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 9231, effective May 31, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9420, effective June 7, 1985; amended at 9 Ill. Reg. 10663, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 15043, effective September 24, 1985, for a maximum of 150 days; emergency amendment at 10 Ill. Reg. 3325, effective January 22, 1986; amended at 10 Ill. Reg. 3230, effective January 24, 1986; emergency amendment at 10 Ill. Reg. 8904, effective May 13, 1986, for a maximum of 150 days; emergency amendment at 10 Ill. Reg. 8928, effective May 13, 1986; emergency amendment at 10 Ill. Reg. 12090, effective June 30, 1986, for a maximum of 150 days; emergency amendment at 10 Ill. Reg. 13675, effective July 31, 1986; emergency amendment at 10 Ill. Reg. 14867, effective August 26, 1986; amended at 10 Ill. Reg. 15567, effective September 17, 1986; emergency amendment at 10 Ill. Reg. 17765, effective September 30, 1986, for a maximum of 150 days; emergency amendment at 10 Ill. Reg. 19132, effective October 28, 1986; emergency amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill. Reg. 648, effective December 22, 1986; emergency amendment at 11 Ill. Reg.

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENT

3363, effective February 3, 1987; emergency amendment at 11 Ill. Reg. 4388, effective February 27, 1987; emergency amendment at 11 Ill. Reg. 6291, effective March 23, 1987; amended at 11 Ill. Reg. 5901, effective March 24, 1987; emergency amendment at 11 Ill. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; emergency amendment at 11 Ill. Reg. 15273, effective September 1, 1987; emergency amendment at 11 Ill. Reg. 17919, effective October 19, 1987; emergency amendment at 11 Ill. Reg. 19812, effective November 19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; emergency amendment at 12 Ill. Reg. 3811, effective January 27, 1988; emergency amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; emergency amendment at 12 Ill. Reg. 7783, effective April 14, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 8135, effective April 22, 1988; emergency amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 18, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 13306, effective July 27, 1988; corrected at 12 Ill. Reg. 13359; amended at 12 Ill. Reg. 14630, effective September 6, 1988; amended at 12 Ill. Reg. 20449, effective November 28, 1988; emergency amendment at 12 Ill. Reg. 20584, effective November 28, 1988; emergency amendment at 13 Ill. Reg. 8080, effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; emergency amendment at 13 Ill. Reg. 8970, effective May 26, 1989; emergency amendment at 13 Ill. Reg. 10967, effective June 20, 1989, for a maximum of 150 days; emergency amendment expired on November 17, 1989; amended at 13 Ill. Reg. 11451, effective June 28, 1989; emergency amendment at 13 Ill. Reg. 11854, effective July 1, 1989, for a maximum of 150 days; corrected at 13 Ill. Reg. 12647; emergency amendment at 13 Ill. Reg. 12887, effective July 24, 1989; amended at 13 Ill. Reg. 16950, effective October 20, 1989; amended at 13 Ill. Reg. 19221, effective December 12, 1989; amended at 14 Ill. Reg. 615, effective January 2, 1990; emergency amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 7652, effective May 7, 1990; amended at 14 Ill. Reg. 10002, effective June 11, 1990; emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14361, effective August 24, 1990; emergency amendment at 14 Ill. Reg. 15570, effective September 11, 1990, for a maximum of 150 days; emergency amendment expired on February 8, 1991; corrected at 14 Ill. Reg. 16092; emergency amendment at 14 Ill. Reg. 17098, effective September 26, 1990; amended at 14 Ill. Reg. 17189, effective October 2, 1990; amended at 14 Ill. Reg. 18719, effective November 13, 1990; emergency amendment at 14 Ill. Reg. 18854, effective November 13, 1990; emergency amendment at 15 Ill. Reg. 663, effective January 7, 1991; amended at 15 Ill. Reg. 3296, effective February 14,



## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENT

1991; amended at 15 Ill. Reg. 4401, effective March 11, 1991; peremptory amendment at 15 Ill. Reg. 5100, effective March 20, 1991; peremptory amendment at 15 Ill. Reg. 5465, effective April 2, 1991; emergency amendment at 15 Ill. Reg. 10485, effective July 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 11080, effective July 19, 1991; amended at 15 Ill. Reg. 13080, effective August 21, 1991; amended at 15 Ill. Reg. 14210, effective September 23, 1991; emergency amendment at 16 Ill. Reg. 711, effective December 26, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3450, effective February 20, 1992; peremptory amendment at 16 Ill. Reg. 5068, effective March 11, 1992; peremptory amendment at 16 Ill. Reg. 7056, effective April 20, 1992; emergency amendment at 16 Ill. Reg. 8239, effective May 19, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 8382, effective May 26, 1992; emergency amendment at 16 Ill. Reg. 13950, effective August 19, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14452, effective September 4, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 238, effective December 23, 1992; peremptory amendment at 17 Ill. Reg. 498, effective December 18, 1992; amended at 17 Ill. Reg. 590, effective January 4, 1993; amended at 17 Ill. Reg. 1819, effective February 2, 1993; amended at 17 Ill. Reg. 6441, effective April 8, 1993; emergency amendment at 17 Ill. Reg. 12900, effective July 22, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13409, effective July 29, 1993; emergency amendment at 17 Ill. Reg. 13789, effective August 9, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 14666, effective August 26, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 19103, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 21858, effective December 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 22514, effective December 15, 1993; amended at 18 Ill. Reg. 227, effective December 17, 1993; amended at 18 Ill. Reg. 1107, effective January 18, 1994; amended at 18 Ill. Reg. 5146, effective March 21, 1994; peremptory amendment at 18 Ill. Reg. 9562, effective June 13, 1994; emergency amendment at 18 Ill. Reg. 11299, effective July 1, 1994, for a maximum of 150 days; peremptory amendment at 18 Ill. Reg. 13476, effective August 17, 1994; emergency amendment at 18 Ill. Reg. 14417, effective September 9, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16545, effective October 31, 1994; peremptory amendment at 18 Ill. Reg. 16708, effective October 28, 1994; amended at 18 Ill. Reg. 17191, effective November 21, 1994; amended at 19 Ill. Reg. 1024, effective January 24, 1995; peremptory amendment at 19 Ill. Reg. 2481, effective February 17, 1995; peremptory amendment at 19 Ill. Reg. 3073, effective February 17, 1995; amended at 19 Ill. Reg. 3456, effective March 7, 1995; peremptory amendment at 19 Ill. Reg. 5145, effective March 14, 1995; amended at 19 Ill. Reg. 6452, effective May 2, 1995; peremptory amendment at 19 Ill. Reg. 6688, effective May 1, 1995; amended at 19 Ill. Reg. 7841, effective June 1, 1995; amended at 19 Ill. Reg. 8156, effective June 12, 1995; amended at 19 Ill. Reg. 9096, effective June 27, 1995; emergency amendment at 19 Ill. Reg. 11954, effective August 1, 1995, for a maximum of 150 days; peremptory amendment at 19 Ill. Reg. 13979, effective September 19, 1995; peremptory amendment at 19 Ill. Reg. 15103, effective October 12, 1995; amended at 19 Ill. Reg. 16160, effective November 28, 1995; amended at 20 Ill. Reg. 308, effective December 22, 1995; emergency amendment at 20 Ill. Reg. 4060, effective February 27,

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENT

1996, for a maximum of 150 days; peremptory amendment at 20 Ill. Reg. 6334, effective April 22, 1996; peremptory amendment at 20 Ill. Reg. 7434, effective May 14, 1996; amended at 20 Ill. Reg. 8301, effective June 11, 1996; amended at 20 Ill. Reg. 8657, effective June 20, 1996; amended at 20 Ill. Reg. 9006, effective June 26, 1996; amended at 20 Ill. Reg. 9925, effective July 10, 1996; emergency amendment at 20 Ill. Reg. 10213, effective July 15, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 10841, effective August 5, 1996; peremptory amendment at 20 Ill. Reg. 13408, effective September 24, 1996; amended at 20 Ill. Reg. 15018, effective November 7, 1996; peremptory amendment at 20 Ill. Reg. 15092, effective November 7, 1996; emergency amendment at 21 Ill. Reg. 1023, effective January 6, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 1629, effective January 22, 1997; amended at 21 Ill. Reg. 5144, effective April 15, 1997; amended at 21 Ill. Reg. 6444, effective May 15, 1997; amended at 21 Ill. Reg. 7118, effective June 3, 1997; emergency amendment at 21 Ill. Reg. 10061, effective July 21, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 12859, effective September 8, 1997, for a maximum of 150 days; peremptory amendment at 21 Ill. Reg. 14267, effective October 14, 1997; peremptory amendment at 21 Ill. Reg. 14589, effective October 15, 1997; peremptory amendment at 21 Ill. Reg. 15030, effective November 10, 1997; amended at 21 Ill. Reg. 16344, effective December 9, 1997; peremptory amendment at 21 Ill. Reg. 16465, effective December 4, 1997; peremptory amendment at 21 Ill. Reg. 17167, effective December 9, 1997; peremptory amendment at 22 Ill. Reg. 1593, effective December 22, 1997; amended at 22 Ill. Reg. 2580, effective January 14, 1998; peremptory amendment at 22 Ill. Reg. 4326, effective February 13, 1998; peremptory amendment at 22 Ill. Reg. 5108, effective February 26, 1998; peremptory amendment at 22 Ill. Reg. 5749, effective March 3, 1998; amended at 22 Ill. Reg. 6204, effective March 12, 1998; peremptory amendment at 22 Ill. Reg. 7053, effective April 1, 1998; peremptory amendment at 22 Ill. Reg. 7320, effective April 10, 1998; peremptory amendment at 22 Ill. Reg. 7692, effective April 20, 1998; emergency amendment at 22 Ill. Reg. 12607, effective July 2, 1998, for a maximum of 150 days; peremptory amendment at 22 Ill. Reg. 15489, effective August 7, 1998; amended at 22 Ill. Reg. 16158, effective September 30, 1998; peremptory amendment at 22 Ill. Reg. 19105, effective September 30, 1998; peremptory amendment at 22 Ill. Reg. 19943, effective October 27, 1998; peremptory amendment at 22 Ill. Reg. 20406, effective November 5, 1998; amended at 22 Ill. Reg. 20581, effective November 16, 1998; amended at 23 Ill. Reg. 654, effective January 1, 1999; peremptory amendment at 23 Ill. Reg. 730, effective December 29, 1998; emergency amendment at 23 Ill. Reg. 6533, effective May 10, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 8169, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 11020, effective August 26, 1999; amended at 23 Ill. Reg. 12429, effective September 21, 1999; peremptory amendment at 23 Ill. Reg. 12493, effective September 23, 1999; amended at 23 Ill. Reg. 12604, effective September 24, 1999; amended at 23 Ill. Reg. 13053, effective September 27, 1999; peremptory amendment at 23 Ill. Reg. 13132, effective October 1, 1999; amended at 23 Ill. Reg. 13570, effective October 26, 1999; amended at 23 Ill. Reg. 14020, effective November 15, 1999; amended at 24 Ill. Reg. 1025, effective January 7,

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENT

2000; peremptory amendment at 24 Ill. Reg. 3399, effective February 3, 2000; amended at 24 Ill. Reg. 3537, effective February 19, 2000; amended at 24 Ill. Reg. 6874, effective April 21, 2000; amended at 24 Ill. Reg. 7956, effective May 23, 2000; emergency amendment at 24 Ill. Reg. 10328, effective July 1, 2000, for a maximum of 150 days; peremptory amendment at 24 Ill. Reg. 10767, effective July 3, 2000; amended at 24 Ill. Reg. 13384, effective August 17, 2000; peremptory amendment at 24 Ill. Reg. 14460, effective September 14, 2000; peremptory amendment at 24 Ill. Reg. 16700, effective October 30, 2000; peremptory amendment at 24 Ill. Reg. 17600, effective November 16, 2000; amended at 24 Ill. Reg. 18058, effective December 4, 2000; peremptory amendment at 24 Ill. Reg. 18444, effective December 1, 2000; amended at 25 Ill. Reg. 811, effective January 4, 2001; amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 310.280 Designated Rate

The rate of pay for a specific positions or class of positions where it is deemed desirable to exclude such from the other requirements of this Pay Plan shall be only as designated by the Governor.

Department of Commerce & Community Affairs

Economic Development Representative II  
(Pos. No. 12932-42-35-110-10-02)

Annual Salary  
54,048

Private Secretary II  
(Pos. No. 34202-42-00-000-01-02)

Annual Salary  
48,492

Public Information Officer IV  
(Pos. No. 37004-42-00-005-10-01)

Annual Salary  
62,256

Public Service Administrator  
(Pos. No. 37015-42-35-110-10-03  
37015-42-35-140-20-01)

Annual Salary  
75,588

Public Service Administrator  
(Pos. No. 37015-42-35-140-20-01)

Annual Salary  
87,720  
79,728

Department of Human Services

Medical Administrator I, Option D  
(Pos. No. 26401-10-79-006-00-21)

Annual Salary  
142,368

Public Service Administrator  
(Pos. No. 37015-10-23-100-30-01)

Annual Salary  
76,572

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENT

73,632

Senior Public Service Administrator  
(Pos. No. 40070-10-65-000-00-01)

Annual Salary  
105,475

Senior Public Service Administrator  
(Pos. No. 40070-10-81-920-00-21)

Annual Salary  
105,480

Illinois State and Local Labor Relations Board

Private Secretary II  
(Pos. No. 34202-50-19-000-00-01)

Annual Salary  
51,900

Department of Natural Resources

Administrative Assistant II  
(Pos. No. 00502-12-30-000-20-01)

Annual Salary  
50,520

Department of State Police

Senior Public Service Administrator  
(Pos. No. 40070-21-10-000-00-01)

Annual Salary  
109,358

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: White-Tailed Deer Hunting by Use of Bow and Arrow

2) Code Citation: 17 Ill. Adm. Code 670

3) Section Numbers: Proposed Action:

670.21 Amendment

670.55 Amendment

670.60 Amendment

4) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.24, 2.25, 2.26, 2.33, 3.5 and 3.36 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.24, 2.25, 2.26, 2.33, 3.5 and 3.36].

5) A Complete Description of the Subjects and Issues Involved: This Part is being amended to allow members of limited liability companies to obtain landowner deer permits, allow hunters to quarter deer for easier transport out of the field, and open and close State-owned or -managed sites to firearm deer hunting.

6) Will this rulemaking replace any emergency amendment currently in effect?  
No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice to:

Jack Price  
Department of Natural Resources  
524 S. Second Street  
Springfield IL 62701-1787  
217/782-1809

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

B) Reporting, bookkeeping or other procedures required for compliance:  
None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rule was summarized: July 2000

The full text of the Proposed Amendments begins on the next page:



## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

TITLE 17: CONSERVATION  
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES  
SUBCHAPTER b: FISH AND WILDLIFEPART 670  
WHITE-TAILED DEER HUNTING BY USE OF BOW AND ARROW

| Section |   |
|---------|---|
| 670.10  | Statewide Open Seasons and Counties                       |
| 670.20  | Statewide Deer Permit Requirements                        |
| 670.21  | Deer Permit Requirements - Landowner/Tenant Permits       |
| 670.30  | Statewide Legal Bow and Arrow                             |
| 670.40  | Statewide Deer Hunting Rules                              |
| 670.50  | Rejection of Application/Revocation of Permits            |
| 670.55  | Reporting Harvest   |
| 670.60  | Regulations at Various Department-Owned or -Managed Sites |

**AUTHORITY:** Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.4, 2.25, 2.26, 2.33, 3.5 and 3.36 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.24, 2.25, 2.26, 2.33, 3.5 and 3.36].

**SOURCE:** Adopted at 5 Ill. Reg. 8888, effective August 25, 1981; codified at 5 Ill. Reg. 10641; emergency amendment at 5 Ill. Reg. 11402, effective October 14, 1981, for a maximum of 150 days; emergency expired March 13, 1982; amended at 6 Ill. Reg. 10721, effective August 20, 1982; emergency amendment at 6 Ill. Reg. 15581, effective December 14, 1982, for a maximum of 150 days; emergency expired May 13, 1983; amended at 7 Ill. Reg. 10790, effective August 24, 1983; amended at 8 Ill. Reg. 19004, effective September 26, 1984; amended at 9 Ill. Reg. 14317, effective September 9, 1985; amended at 10 Ill. Reg. 16658, effective September 22, 1986; amended at 11 Ill. Reg. 2275, effective January 20, 1987; amended at 12 Ill. Reg. 12042, effective July 11, 1988; amended at 13 Ill. Reg. 12839, effective July 21, 1989; amended at 14 Ill. Reg. 14787, effective September 4, 1990; amended at 14 Ill. Reg. 19859, effective December 3, 1990; amended at 15 Ill. Reg. 10021, effective June 24, 1991; amended at 15 Ill. Reg. 16691, effective October 31, 1991; amended at 16 Ill. Reg. 11116, effective June 30, 1992; amended at 17 Ill. Reg. 286, effective December 28, 1992; amended at 17 Ill. Reg. 13452, effective July 30, 1993; amended at 18 Ill. Reg. 5842, effective April 5, 1994; amended at 19 Ill. Reg. 7560, effective May 26, 1995; amended at 19 Ill. Reg. 15411, effective October 26, 1995; amended at 20 Ill. Reg. 6723, effective May 6, 1996; amended at 21 Ill. Reg. 5561, effective April 19, 1997; amended at 22 Ill. Reg. 7995, effective April 28, 1998; amended at 23 Ill. Reg. 6829, effective May 20, 1999; amended at 24 Ill. Reg. 6908, effective April 20, 2000; amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 670.21 Deer Permit Requirements - Landowner/Tenant Permits**

- a) The immediate family of a landowner or tenant is limited to the

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

- spouse, children or parents permanently residing on the same property as the landowner or tenant.
- b) A tenant for the purpose of this Part is one who rents 40 acres or more land for commercial agricultural purposes under an agreement with a landowner. Commercial agriculture shall be defined as utilization of land for the raising of hay, grain crops or livestock for profit. Hunting and mineral rights leases are not valid for a tenant permit.
- c) Resident Illinois landowners who own 40 acres or more of land and resident tenants renting or leasing 40 acres or more of commercial agricultural land, and members of their immediate family, may apply for a free combination archery deer permit for their property only. Nonresident Illinois landowners (of 40 acres or more) are also eligible to apply for a combination archery deer permit for their property only. The fee to non-resident Illinois landowners owning 40 acres or more for a combination permit for their property only shall be \$70. This deer hunting permit shall be valid on all farm lands owned, leased, or rented by the person to whom it is issued. Qualified landowners/tenants who choose not to receive property-only firearm permits may receive 2 combination archery deer permits for their property only.
- d) If property is owned or rented by more than one person, only one landowner (and his immediate family) or one tenant (and his immediate family) will be issued a permit for every 40 acres of owned or rented land. For example, if 3 persons own 90 acres, only 2 of the landowners and their immediate family may receive deer permits.
- e) Shareholders of corporations or members of limited liability companies owning 40 or more acres of land in a county may apply for one combination permit to hunt the corporation or limited liability company lands only. Only one permit per 40 acres, for a maximum number of 15 permits per county, shall be issued based on ownership of lands by corporations and limited liability companies. Lands leased to corporations and limited liability companies shall not be considered as a basis for a permit for the shareholders/members of the lessee. Lands held in trust by corporations and limited liability companies shall not be considered as a basis for a permit by the shareholders/members of the trustee. If application is made for a permit based upon lands owned by the corporation or limited liability company, a duly authorized officer of the corporation or company must sign a notarized statement authorizing the applicant to hunt on the corporate or company lands for which a permit is being requested. This statement must identify the applicant as a shareholder/member, identify authorization to hunt and identify that no more than 15 authorizations will be requested per county for the corporation or limited liability company lands. This document must be attached to the application upon submittal to the Permit Office. The shareholder/member combination permit shall be free to resident shareholders/members, and the cost to non-resident shareholders/members shall be \$70.

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

- f) The application period for these permits will be publicly announced. Applicants submitting applications for a landowner or shareholder archery permit after September 1 will not be guaranteed a permit by October 1.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 670.55 Reporting Harvest**

- a) Within 48 hours of taking a deer by bow and arrow, the hunter must check the deer in at a county archery check station.
- b) It is permissible to quarter the deer carcass prior to checking it in, so long as all parts of the carcass (except the entrails removed during field dressing) are transported together, and the carcass is tagged in the appropriate location. However, it is illegal to possess or transport a deer carcass, prior to checking it in, without evidence of sex naturally attached. If the carcass is quartered, evidence of sex only needs to be attached to one quarter or another major part of the carcass. Evidence of sex is:

1) For a buck: head with antlers attached to carcass, or attached testicle, scrotum, or penis.

2) For a doe: head attached to carcass, or attached udder (mammary) or vulva.

- c) Site specific reporting requirements must be followed in addition to this Section.

- d) Failure to follow this Section constitutes illegal possession of deer.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 670.60 Regulations at Various Department-Owned or -Managed Sites**

- a) All the regulations in 17 Ill. Adm. Code 510 (General Hunting and Trapping) apply in this Section, unless this Section is more restrictive.

- b) Only one tree stand is allowed per deer permit holder. Tree stands must comply with restrictions listed in 17 Ill. Adm. Code 510.10(c)(3) and must be portable. Tree stands must be removed at the end of each day with the exception that tree stands may be left unattended from September 15 through January 31 at those sites listed in this Section that are followed by a (1). Any tree stand left unattended must be legibly marked with the owner's name, address, and telephone number, or site assigned identification number.

- c) Check-in, check-out, and reporting of harvest is required at those sites listed in this Section that are followed by a (2).

- d) Where standby hunters are used to fill quotas, a drawing will be held at sites indicated by a (3).

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

- e) Only antlerless deer or antlered deer having at least four points on one side may be harvested at those sites listed in this Section that are followed by a (4).
- f) Only antlerless deer or antlered deer having at least five points on one side may be harvested at those sites listed in this Section that are followed by a (5).
- g) Statewide regulations shall apply at the following sites:

\* Anderson Lake Fish and Wildlife Area (2)

Argyle Lake State Park Recreation-Area (2)

Apple River Canyon State Park (2)

\* Banner Marsh Fish and Wildlife Area (2)

Be all Woods State Park (antlerless deer only; hunting hours legal opening until 10:00 a.m.; check out by 11:00 a.m.) (1) (2)

\* Big Bend State Fish and Wildlife Area (1) (2)

Big River State Forest (2)

Cache River State Natural Area (1) (2)

Campbell Pond Fish and Wildlife Area (1) (2)

Carlyle Lake Lands and Waters (Corps of Engineers managed lands)

Carlyle Lake Wildlife Management Area (except subimpoundment area is closed seven days prior to and during the regular waterfowl season)

Castle Rock State Park (1) (2)

Crawford County Conservation Area (1) (2)

Cypress Creek National Wildlife Refuge

Cypress Pond State Natural Area (1) (2)

Dixon Springs State Park (1) (2)

Dog Island Wildlife Management Area (1) (2)

\* Eldon Hazlet State Park (Hunting is only permitted north of Allen Branch, north of Hazlet Park Road between the park boundary and its intersection with Allen Branch Road, north of Allen Branch

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

Road between its intersection with Hazlet Park Road and Allen Branch Boat Access Area, and west of Peppernhorst Branch. Hunting is not permitted in the controlled pheasant area during the site's controlled pheasant season (except on days when controlled pheasant hunting is closed) and the five consecutive days following the site's controlled pheasant season, or in the North Allen Branch Waterfowl Management Unit after the opening of the statewide waterfowl season. Additionally, a limited hunting opportunity exists for persons with disabilities west of the main park road going towards the Illini Campground. Disabled hunters as defined in 520 ILCS 5/3.1(c) may register to hunt at the site office and must sign in and out daily. Disabled hunters are required to hunt with a non-disabled partner who may also hunt from pre-determined locations. Disabled hunters may hunt during the statewide archery season as described in 17 Ill. Adm. Code 650.10, except on days when the site's controlled pheasant hunting is open and the 5 consecutive days following the site's controlled pheasant season north-of-Allen-Branch-and-West-of-Peppernhorst-Branch-only (2)

Ferne Clyffe State Park (1) (2)

Fort de Chartres State Historic Site (1) (2)

Fort Massac State Park (1) (2)

Franklin Creek State Park (2)

Giant City State Park (1) (2)

Goose Lake Prairie State Park (tree stands not allowed; "Texas" type tripod stands allowed; antlerless deer only) (2) (3)

Green River State Wildlife Area (1) (2)

Heidecke State Fish and Wildlife Area (2) (3) (5)

Horseshoe Lake Conservation Area - Alexander County (Controlled Goose Hunting Area - open from October 1-31; reopens with the close of the Quota zone goose season through statewide closing; remainder of the Public Hunting Area open during statewide season) (1) (2)

I-24 Wildlife Management Area (1) (2)

Iroquois County State Wildlife Area/Hooper Branch only (1) (2)

Jubilee College State Park (2) (4)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

Kaskaskia River Fish and Wildlife Area (1) (2) (except south of Highway 154 and north of Highway 13)

Kidd Lake State Natural Area (1)

Kinkaid Lake Fish and Wildlife Area (1) (2)

Lake Le Aqua Na State Park (antlerless deer only; November 1-30; hunting hours legal opening until 10:00 a.m.) (2)

Lowden-Miller State Forest (1) (2) (4)

Mackinaw River Fish and Wildlife Area (1) (2)

Marseilles Fish and Wildlife Area (closed Friday, Saturday, and Sunday in October only) (all tree stands must be removed from this area no later than the last day of the season) (1) (2)

Marshall Fish and Wildlife Area (2)

Maytown Pheasant Habitat Area (hunting allowed during October only) (2)

~~Mazonia/Broadwood-State-Fish-and-Wildlife-Area--archery-hunting will-be-publicly-announced~~

Mississippi Fish and Waterfowl Management Area - Pools 25 and 26

Mississippi River Pool 16 (1)

Mississippi River Pools 17, 18 (1)

Mississippi River Pools 21, 22, 24 (1)

\* Mt. Vernon Propagation Center (hunting allowed during October only) (1) (2)

Oakford Conservation Area

~~Panther-Creek-Conservation-Area--(1)-(2)-(4)~~

\* Peabody River King State Fish and Wildlife Area (East and North subunits close November 1) (1) (2)

Pere Marquette State Park (area east of Graham Hollow Road) (1) (2)

Pyramid State Park (1) (2)



## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

- \* Randolph County Conservation Area (1) (2)
- Ray Norbut Fish and Wildlife Conservation Area (2)
- \* Red Hills State Park (1) (2)
- Rend Lake Project Lands and Waters State-Fish-and-Wildlife--Area (1)
- Rend Lake Project Lands and Waters (designated area on refuge only, designated dates between October 1-October 31) (1) (2)
- \* Rice Lake Fish and Wildlife Area (2)
- Rock Cut State Park (only during the special firearm deer hunt on the site; hunting from DNR established blind sites only; hunting limited to holders of Class P2A disability cards and escorts) (2) (3)
- Saline County Fish and Wildlife Area (1) (2)
- \* Sam Parr State Park (1) (2)
- Sangamon County Conservation Area
- Sanganois State Wildlife Area (1)
- \* Shabbona Lake State Park (2)
- Sielbeck Forest Natural Area (1) (2)
- Siloam Springs State Park (1) (2) (4)
- \* Silver Springs State Park (2)
- Tapley Woods State Natural Area (2)
- Trail of Tears State Forest (1) (2)
- Turkey Bluffs Fish and Wildlife Area (1) (2)
- Union County Conservation Area (Controlled Goose Hunting Area - open from October 1-31; reopens with the close of the Quota Zone goose season through statewide closing) (1) (2)
- Walnut Point Fish and Wildlife Area (1)
- \* Washington County Conservation Area (deer bowhunters must wear a

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

- cap and upper outer garment with at least 400 square inches of solid blaze orange between 9:00 a.m. and 3:00 p.m. on days when upland game hunting is allowed during the site's controlled hunting season) (1) (2)
- Weinberg-King State Park (2)
- Wildcat Hollow State Forest (1)
- Witkowsky State Wildlife Area (opens October 15)(2)
- h) Statewide regulations shall apply at the following sites except that hunter quotas shall be filled by mail-in drawing:
  - Beaver Dam State Park
  - Burriss Habitat Area (hunter quotas filled by drawing; must have Fox Ridge site permit to be eligible)
  - Horseshoe Lake State Park (Madison County) (hunting in designated areas only; hunting will close at end of regular duck season) (1) (2)
  - Jim Edgar Panther Creek State Fish and Wildlife Area (1) (4)
  - Momence Wetland
  - Pere Marquette State Park (hunting in designated camp areas only; season begins the first weekday after camps close)
  - Rend-lake-State-Fish-and-Wildlife-Area-(designated-area-on-refuge only)-(designated-dates-between-October-1-October-31)-(1996)
  - Sahara Woods (1) (2)
  - Union County Conservation Area
  - i) State regulations shall apply except that hunters must obtain a free permit from the site office. This permit must be in possession while hunting and must be returned, and harvest reported, to the address indicated on the card before February 15. Failure to return the permit shall result in loss of hunting privileges at that site for the following year.
    - Chauncey Marsh State Natural Area (permit obtained at Red Hills State Park headquarters) (1)
    - Clinton Lake State Recreation Area (1)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

Coffeen Lake State Fish and Wildlife Area  
 Des Plaines Conservation Area (closed to archery deer hunting during the site's upland game hunting season) (2)  
 Des Plaines Game Propagation Center (2)

- \* Eagle Creek State Park (disabled hunters are exempt from site's antler restrictions) (4)  
 East Conant Field (1) (4)  
 Fox Ridge State Park (1)  
 Hamilton County Conservation Area (1)  
 Harry "Babe" Woodyard State Natural Area (1) (4)  
 Hidden Springs State Forest (1)

~~Jim-Edgar-Panther-Creek-State-Fish-and-Wildlife-Area-(1)-(4)~~

Kankakee River State Park (deer bowhunters must wear a cap and upper outer garment with at least 400 square inches of solid blaze orange between 9:00 a.m. and 3:00 p.m. on days when upland game hunting is allowed during the site's controlled hunting season. Additionally, a limited hunting opportunity for persons with disabilities exists at the Davis Creek Bike Trail Area. Disabled hunters, as defined in 520 ILCS 5/3.1(c), may register to hunt at the site office and must sign in and out daily. Disabled hunters are required to hunt with a non-disabled partner who may also hunt from predetermined locations during disabled hunting season (the day after the first firearm deer season as set forth in 17 Ill. Adm. Code 650.10 to December 24))

Kickapoo State Park (1)

Matthiessen Dells State Park (antlerless deer only; closed during the special site firearm deer seasons and open during the statewide firearm deer seasons) (2)

Mautino State Fish and Wildlife Area (1)

Mazonia/Braidwood State Fish and Wildlife Area (4)

Mermet Lake Conservation Area (1) (2)

Middle Fork Fish and Wildlife Area (1)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

- \* Mississippi Palisades State Park (November 1 through December 31) (closed during the first firearm deer season) (1)  
 Newton Lake Fish and Wildlife Area (check deer at site office)

- \* Pekin Lake Fish and Wildlife Area (1)

Ramsey Lake State Park (1)

- \* Sam Dale Lake Conservation Area (1)

Sand Ridge State Forest (1)

- \* Sangchris Lake State Park (an antlerless deer must be taken on site before an antlered deer is harvested) (1) (2) (5)

~~Sato-Fried-(1)-(4)~~

Shelbyville Wildlife Management Area (1)

Snake Den Hollow Fish and Wildlife Area (October 1 through start of the central zone goose season)

- \* Spring Lake Fish and Wildlife Area (1)

- \* Starved Rock/Matthiessen State Park (antlerless deer only; closed during the special firearm deer seasons; deer bowhunters must wear a cap and upper outer garment with at least 400 square inches of solid blaze orange during the statewide firearm and muzzleloader deer seasons; hunting in designated areas only) (2)

- \* Stephen A. Forbes State Park (1)

Ten Mile Creek Fish and Wildlife Area (areas designated as refuge are closed to all access during Canada goose season only) (1); Belle Rive Unit only (4)

Volo Bog State Natural Area (hunting only from November 1 through December 31; Monday through Wednesday only; except State holidays) (2)

- j) Statewide regulations shall apply except that no hunting is permitted Wednesday through Sunday of the site's permit pheasant season.

Chain O'Lakes State Park (season opens Monday prior to opening of permit pheasant hunting season and closes Tuesday following the close of the permit pheasant hunting season; season reopens on December 26 till close of regular season)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

## Iroquois County Conservation Area (2)

## Johnson Sauk Trail State Recreation Area (1) (2) Park

## Moraine View State Park (1)

Wayne Fitzgerald State Recreation Area (no bowhunting during controlled hunts as posted at the site; bowhunting by site issued permit; application procedure to be announced) (1) (2)

## k) Statewide regulations shall apply at the following sites except that:

1) Nonresident hunter quotas shall be filled by mail-in drawing. Information about specific drawing dates and application procedures will be publicly announced. Successful applicants will be issued a free permit from the site office. This permit must be in possession while hunting and must be returned and harvest reported to the address indicated on the card before February 15. Failure to return the permit shall result in loss of hunting privileges at that site for the following year.

2) Resident hunters must obtain a free permit from the site office. This permit must be in possession while hunting and must be returned and harvest reported to the address indicated on the card before February 15. Failure to return the permit shall result in loss of hunting privileges at that site for the following year.

Jim Edgar Panther Creek State Fish and Wildlife Area (1) (4)

Sangchris Lake State Park (an antlerless deer must be taken on site before an antlered deer is harvested) (1) (2) (5)

Siloam Springs State Park (1) (2) (4)

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

## 1) Heading of the Part: White-Tailed Deer Hunting By Use of Firearms

## 2) Code Citation: 17 Ill. Adm. Code 650

## 3) Section Numbers: Proposed Action:

|        |           |
|--------|-----------|
| 650.20 | Amendment |
| 650.21 | Amendment |
| 650.22 | Amendment |
| 650.23 | Amendment |
| 650.30 | Amendment |
| 650.40 | Amendment |
| 650.60 | Amendment |
| 650.65 | Repeal    |
| 650.67 | Amendment |

4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36].

5) A Complete Description of the Subjects and Issues Involved: Amendments to this Part allow members of limited liability companies to obtain deer permits, give residents preference in the second permit lottery, clarify a hunter must bring deer to the check station whole or field dressed, clarify what ammunition can be used, open and close State-owned or -managed sites to firearm deer hunting, and repeal Section 650.65. (The Department is in the process of drafting a youth hunting Part.)

6) Will this rulemaking replace any emergency rulemaking currently in effect?  
No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice to:

Jack Price  
Department of Natural Resources  
524 S. Second Street  
Springfield IL 62701-1787



## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

217/782-1809

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance:  
None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: July 2000

The full text of the Proposed Amendments begins on the next page:

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

## TITLE 17: CONSERVATION

## CHAPTER I: DEPARTMENT OF NATURAL RESOURCES

## SUBCHAPTER b: FISH AND WILDLIFE

## PART 650

## WHITE-TAILED DEER HUNTING BY USE OF FIREARMS

|         |   |
|---------|---|
| Section |   |
| 650.20  | Statewide Deer Permit Requirements                        |
| 650.21  | Deer Permit Requirements - Landowner/Tenant Permits       |
| 650.22  | Deer Permit Requirements - Special Hunts                  |
| 650.23  | Deer Permit Requirements - Group Hunt                     |
| 650.30  | Statewide Firearms Requirements                           |
| 650.40  | Statewide Deer Hunting Rules                              |
| 650.50  | Rejection of Application/Revocation of Permits            |
| 650.60  | Regulations at Various Department-Owned or -Managed Sites |
| 650.65  | Youth Hunt (Repealed)                                     |
| 650.67  | Special Hunts for Disabled Hunters                        |
| 650.70  | Special Extended Season Firearm Deer Hunt (Repealed)      |

**AUTHORITY:** Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36].

**SOURCE:** Adopted at 5 Ill. Reg. 9771, effective September 17, 1981; codified at 5 Ill. Reg. 10640; amended at 6 Ill. Reg. 10730, effective August 20, 1982; amended at 7 Ill. Reg. 10798, effective August 24, 1983; amended at 8 Ill. Reg. 21602, effective October 23, 1984; amended at 9 Ill. Reg. 16213, effective October 10, 1985; emergency amendment at 9 Ill. Reg. 20922, effective December 18, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 4223, effective February 25, 1986; amended at 10 Ill. Reg. 16665, effective September 22, 1986; amended at 11 Ill. Reg. 3044, effective February 3, 1987; amended at 11 Ill. Reg. 9564, effective May 5, 1987; amended at 12 Ill. Reg. 8003, effective April 25, 1988; amended at 12 Ill. Reg. 12055, effective July 11, 1988; amended at 13 Ill. Reg. 12853, effective July 21, 1989; amended at 14 Ill. Reg. 12430, effective July 20, 1990; amended at 14 Ill. Reg. 19869, effective December 3, 1990; amended at 15 Ill. Reg. 10038, effective June 24, 1991; emergency amendment at 15 Ill. Reg. 15790, effective October 22, 1991, for a maximum of 150 days; emergency expired March 21, 1992; amended at 16 Ill. Reg. 11131, effective June 30, 1992; amended at 17 Ill. Reg. 13468, effective July 30, 1993; amended at 18 Ill. Reg. 5859, effective April 5, 1994; amended at 18 Ill. Reg. 13431, effective August 23, 1994; amended at 19 Ill. Reg. 6477, effective April 28, 1995; amended at 20 Ill. Reg. 7515, effective May 20, 1996; amended at 21 Ill. Reg. 5572, effective April 19, 1997; amended at 21 Ill. Reg. 9116, effective June 26, 1997; amended at 22 Ill. Reg. 8007, effective April 28, 1998; amended at 23 Ill. Reg. 5564, effective April 26, 1999; amended at 24 Ill. Reg. 8971, effective June 19, 2000; amended at 24 Ill. Reg. 10260, effective July 1, 2000; amended at 25 Ill. Reg. \_\_\_\_\_, effective

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

**Section 650.20 Statewide Deer Permit Requirements**

- a) Illinois resident hunters must have a current, valid "Firearm Deer Permit" (\$15). Deer permit fees for non-resident firearm deer hunters shall be \$100 for each either-sex firearm permit and \$25 for each antlerless-only permit. A permit is issued for one county or special hunt area and is valid only in the county or special hunt area stated on the permit. Only applicants who receive an either-sex permit in a county or special hunt area are eligible for an antlerless-only permit for that county or special hunt area, except in counties that are specially designated for more intensive removal of does in a given year. Any such counties will be identified prior to the Random Daily Drawing Period which begins in September, and a limited number of antlerless-only permits will be made available regardless of whether applicants already possess an either-sex permit. For permit applications and other information write to:

Department of Natural Resources  
(Firearm or Landowner/Tenant or Non-Resident)

Deer Permit Office  
524 South Second Street, Room 210  
P.O. Box 19227

- Springfield, Illinois 62794-9227
- b) Applications from Illinois residents for participation in the First Lottery Drawing will be accepted through the last weekday in April of the current year. Nonresidents may not apply to participate in the First Lottery Drawing. Applications received after the last weekday in April will not be included in this lottery. Permits will be allocated in a computerized random drawing. Permits will be issued as either sex, antlerless only, or antlered only. A maximum of one either-sex and one antlerless-only permit shall be issued per person. Applicants for free landowner/tenant permits are not eligible to participate in the First or Second Lottery Drawings. Landowners who receive permits in the First or Second Lottery Drawing are not eligible for landowner permits.
- c) Applicants must complete all portions of the current year permit application form. Incomplete or incorrect applications will be returned along with the applicant's permit fee for correction or completion if received in the Permit Office prior to the deadline established in subsection (b).
- d) Applicants must check the second-season box if they agree to accept a second-season permit upon being rejected for a full-season permit.
- e) Applicants must check the antlerless-only box and enclose an additional \$15 (\$25 for non-residents) to apply for an additional antlerless-only permit. Antlerless-only permits will be issued until the antlerless-only quota is filled for a given county or special hunt area.

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

- f) Permits for counties and special hunt areas with unfilled quotas after the First Lottery Drawing will be allocated in a Second Lottery Drawing. This drawing is open only to nonresident applicants and to Illinois residents who were not previously issued firearm or muzzleloader permits for the current hunting season. Illinois residents will be given preference for permits allocated in the Second Lottery Drawing. Applications for the Second Lottery Drawing will be accepted through the tenth weekday in August of the current year. Applicants may also apply for remaining antlerless-only permits by checking the antlerless-only box and enclosing an additional \$15 for residents and \$25 for nonresidents. A list of unfilled counties and special hunt areas will be announced upon becoming available after the First Lottery Drawing. Applicants must apply on a current year Firearm Deer Permit application form. A maximum of one either-sex and one antlerless-only permit shall be issued per person.
- g) No more than 6 single applications per envelope will be accepted during the application periods for the First and Second Lottery Drawings. Each applicant must submit a separate personal check or money order. Separate envelopes must be used to send permit applications to the Deer Permit Office for regular firearm, muzzleloading rifle, handgun, archery, and free or paid landowner/tenant permits.
- h) There will be an application period which starts the first working day after September 14 and ends the fifth weekday in November, during which anyone (regardless of any other permit they may have, subject to subsection (a)) can apply for firearm deer permits left over from the county and special hunt area quotas. During this application period, the permits shall be issued in a random daily drawing. Applications received each day will not be processed until all applications received for that day are mixed. All applications received on a specific day will be processed before processing applications received for a subsequent day. All applications for the Random Daily Drawing will be processed individually (i.e., no group applications will be processed). Applicants can apply for one or more permits during this application period. Full-season antlerless-only permits shall only be issued to successful applicants that have full-season either-sex permits in the county applied for. Second-season antlerless-only permits shall be issued to successful applicants that have either full-season or second-season either-sex permits in the county applied for. Applicants submitting applications within the 20 working days prior to the start of the first season cannot be guaranteed a permit by the start of the first deer hunting season. Applicants must print "September Drawing - Multiple Permits" on the outside of the envelope and mark the "September Drawing - Multiple Permits" box on the firearm deer permit application.
- i) Hunter preference in obtaining a permit during the First Lottery Drawing will be given: to individuals that applied for an either-sex permit in the previous year's First Lottery Drawing who were rejected

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

because the quota was depleted in their county choice(s); or to applicants that received, in the previous year, a second season either-sex permit in the First Lottery Drawing only. In order to be eligible for preference during the First Lottery Drawing, the second season box must have been checked on the application form of unsuccessful applicants when they were rejected. Preference will not be granted to applicants who received a full-season either-sex permit but who did not receive an antlerless-only permit. Persons with lottery preference will have first chance at receiving available either-sex permits. The following criteria must be met to obtain a preference in the First Lottery Drawing:

- 1) The applicant must apply using the official Department application.
- 2) The applicant must be a resident of the State, be eligible to receive a Firearm Deer Permit, and not had deer hunting privileges revoked pursuant to Section 650.50.
- 3) The applicant must apply for the same county choice(s) which he/she listed on the previous year's application. Preference will not be granted for special hunt areas.
- j) Applications may be accepted at the counter window of the permit office; however, permits will be mailed. In-person and mail-in applications will receive equal treatment in the drawings.
- k) Permits are not transferable. Refunds will not be granted, unless the Department of Natural Resources has erroneously issued the permit after the quota has been depleted or where the applicant was unsuccessful in obtaining a permit.
- l) A \$3 service fee will be charged for replacement permits issued by the Department, except when permits are lost in the mail, then there will be no charge. Monies derived from this source will be deposited in the Wildlife and Fish Fund.
- m) The periods for accepting applications for the First and Second Lottery periods may be extended if applications are not available to the public by April 1. A news release will announce the extension of the application periods.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 650.21 Deer Permit Requirements - Landowner/Tenant Permits

- a) The immediate family of a landowner or tenant is defined as, and limited to, the spouse, children, or parents permanently residing on the same property as the landowner or tenant.
- b) A tenant for the purpose of this Part is one who rents 40 acres or more land for commercial agricultural purposes under an agreement with a landowner. Commercial agriculture shall be defined as utilization of land for the raising of hay, grain crops or livestock for profit.
- c) Resident Illinois landowners who own 40 acres or more of land and

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

resident tenants renting or leasing 40 acres or more of commercial agricultural land, and members of their immediate family, may apply for a free either-sex permit for their property only in counties open for firearm deer hunting. Recipients of the free either-sex permit will also be given a free antlerless-only permit for their property only. Nonresident Illinois landowners (of 40 acres or more land) are also eligible to apply for one either-sex permit and one antlerless-only permit for their property only. The fee to nonresident Illinois landowners (of 40 acres or more land) for permits for their property only shall be \$50 for the either-sex permit and \$25 for the antlerless only permit. These applications will not be subject to the public lottery process. This deer hunting permit shall be valid on all farmlands which the person to whom it is issued owns, leases or rents [525 ILCS 5/2.26] in counties open for firearm deer hunting.

- d) Bonafide Illinois landowners or tenants who do not wish to hunt only on the land they own, rent, or lease must apply for permits in the same manner as the applicant who is not a landowner or tenant. However, resident Illinois landowners who own 40 acres or more of land, and resident tenants leasing or renting 40 acres or more of commercial agricultural land, who apply during the First Lottery application period for a permit to hunt in the county in which they own or lease land and are rejected because the county quota is full, may apply for a county-wide paid landowner firearm deer permit to hunt in the county where the land is located. Members of the immediate family of the landowner or tenant are also eligible to apply for a county-wide paid landowner firearm deer permit if they were rejected in the First Lottery. Applications for county-wide paid landowner deer permits will be accepted from August 1 through the last working day in August. Incomplete applications will be returned. The fee for a county-wide either-sex paid landowner deer permit shall be the same as for permits for hunters that are not landowners or tenants. Landowners and tenants, and their immediate families, who did not apply for permits in the First Lottery and subsequently fail to receive them, are not eligible to apply for or receive county-wide paid landowner deer permits.
- e) Date of acceptance of landowner/tenant property-only permit applications will be publicly announced.
- f) Landowners and resident tenants are not required to participate in the public drawing for permits in order to apply for and receive a property-only permit.
- g) Proof of ownership for all landowner or tenant applications must be provided by one of the following methods:
  - 1) Submittal of a copy of property deed;
  - 2) Submittal of a copy of contract for deed;
  - 3) Submittal of a copy of the most recent real estate tax statement for the property (upon which the landowner's name appears as landowner, or person signing application appears as landowner);



## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

- 4) Submittal of a copy of a Farm Service Agency 156EZ form; or
- 5) Submittal of a copy of a trust agreement which must indicate that the trust owns at least 40 acres and the applicant is a current income beneficiary of the trust.
- h) Tenant permit applicants are required to submit, in addition to the landowner certification and proof of ownership, a copy of one of the following:
  - 1) A copy of a lease or a rental agreement, file stamped as recorded by the County Clerk, covering the current year; or
  - 2) A copy of a Farm Service Agency 156EZ form.
- i) A hunting rights lease, or other non-agricultural lease, is not valid as a basis for obtaining a landowner or tenant permit.
- j) County-wide permit holders are authorized to firearm deer hunt only in the county identified on the deer permit and only on property where permission to hunt has been obtained from the property owner.
- k) If the property is owned or rented by more than one person: Only one landowner (and his immediate family) or one tenant (and his immediate family) shall be issued a permit on a first-come, first-served basis for every 40 acres of owned or rented land. For example, if 3 persons own 90 acres, only 2 of the landowners and their immediate family may receive deer permits.
- l) Shareholders of corporations or members of limited liability companies owning 40 or more acres of land in a county may apply for one either-sex permit to hunt the corporation or limited liability company lands only. Only one permit per 40 acres, for a maximum number of 15 permits per county, shall be issued based on ownership of lands by corporations or limited liability companies. Lands leased to corporations or limited liability companies shall not be considered as a basis for a permit for the shareholders or members of the lessee. Lands held in trust by corporations or limited liability companies shall not be considered as a basis for a permit by the shareholders or members of the trustee. If application is made for a permit based upon lands owned by the corporation or limited liability company, a duly authorized officer of the corporation or limited liability company must sign a notarized statement authorizing the applicant to hunt on the corporate or company lands for which a permit is being requested. This statement must identify the applicant as a shareholder or member, identify authorization to hunt and identify that no more than 15 authorizations will be requested per county for the corporation or limited liability company lands. This document must be attached to the application upon submittal to the Permit Office. The shareholder/member either-sex permit shall be free to resident shareholders/members, and the cost to nonresident shareholders/members shall be \$50. An antlerless-only shareholder/member permit (free to resident shareholders/members; \$25 to nonresident shareholders/members) will be made available if in the best interest of managing the deer herd.
- m) Landowners or tenants that apply for or receive property-only

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

landowner/tenant firearm deer permits may not apply for additional permits in the First or Second Lottery Drawing. Landowners or tenants that apply for county-wide paid landowner firearm deer permits must have been rejected in the First Lottery drawing for a permit in the county in which they own or lease land, and they may not apply for additional permits in the Second Lottery Drawing.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 650.22 Deer Permit Requirements - Special Hunts

- a) Special hunt sites are defined as those sites which are owned or controlled by agencies/entities other than the Department, or sites at which the Department only controls a portion of the property designated for deer hunting, which issue deer hunting permits through the statewide lottery process. The Permit Office issues deer hunting permits through a computerized drawing for sites listed below, in addition to the Department-owned or -managed sites listed in Section 650.60(i). The permit preference system does not apply to special hunt areas or to State sites allocating permits in the lottery.
  - 1) A.E.S. Duck Creek (Fulton County, first season only)
  - 2) A.E.S. Duck Creek Handicapped (Fulton County, first season only)
  - 3) Crab Orchard National Wildlife Refuge (the first and second season are considered separate hunt choices, and permit applicants must specify which season they are applying for in the County Choice or Hunt Area field of the application. Permits may be issued as antlerless-only without the normal bonus requirement. Standby hunting will be allowed if additional permits are available at the site)
  - 4) Crab Orchard National Wildlife Refuge - Disabled Hunt (first season only)
  - 5) Joliet Army Training Area (Will County)
  - 6) Lake Shelbyville Project Lands (Moultrie County)
  - 7) Lake Shelbyville Project Lands except Wolf Creek State Park (Shelby County)
  - 8) Midewin National Tallgrass Prairie (permits may be issued as antlerless-only without normal bonus requirements) (4)
  - 9) Savanna Army Depot (Jo Daviess County)
  - 10) Touch-of-Nature---Southern-Illinois---University---disabled---hunt (Jackson County, second season only)
- b) Each applicant must enclose a separate fee (check or money order) payable to the Department of Natural Resources, or the application will be returned. Applicants should not send cash with their applications. The Department will not be responsible for cash sent through the mail.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

**Section 650.23 Deer Permit Requirements - Group Hunt**

- a) Up to six individuals may apply to hunt as a group during the First and Second Lottery Drawings. If applicants are applying in a group, all applications for the group must be sent to the Department in the same envelope. All applications for the group will be processed together only if they are received in the same envelope. Any applications indicating participation in a group that are not received in the same envelope will be processed separately.
- b) Each individual must sign his or her own application.
- c) Applicant must enclose a separate check or money order for the appropriate amount for each application or the applications will be returned.
- d) In order to receive preference for the group, all members must have preference for the same county choice. If any member does not have preference for the group's county choice, the entire group will not receive preference.
- e) Applicants applying as a group will be rejected if they do not list the same county or special hunt area choice, complete the group leader information listing the identical group leader, and complete the second-season option box identically.
- f) Since Illinois residents are given preference for permits allocated in the Second Lottery Drawing, groups containing both resident and non-resident applicants will be treated as non-residents.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 650.30 Statewide Firearms Requirements**

- a) The only legal hunting devices to take, or attempt to take, deer are:
- 1) Shotgun, loaded with slugs only, of not larger than 10 nor smaller than 20 gauge, not capable of firing more than 3 consecutive slugs; or
  - 2) A single or double barreled muzzleloading firearm of at least .45 caliber shooting a single projectile through a barrel of at least sixteen inches in length.
  - 3) The minimum size of the firearm projectile shall be .44 caliber. A wad or sleeve is not considered a projectile or a part of the projectile.
- b) The standards and specifications for use of such muzzleloading firearms are as follows:
- 1) A muzzleloading firearm is defined as a blackpowder firearm that is incapable of being loaded from the breech end.
  - 2) The minimum size of the muzzleloading firearm projectile shall be .44 caliber. A wad or sleeve is not considered a projectile or a

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

**Part of the projectile--Pall-metal-jacket-bullets-cannot-be-used to harvest white-tailed deer--**

- 23) Only black powder or a "black powder substitute" such as Pyrodex may be used. Modern smokeless powders (nitrocellulose-based) do not qualify as a "black powder substitute".
- 24) Percussion caps, wheellock, matchlock or flint type ignition only may be used.
- 45) Removal of percussion cap or removal of prime powder from frizzen pan with frizzen open and hammer all the way down or removal of prime powder from flashpan and wheel un-wound or removal of prime powder and match with match not lit shall constitute an unloaded muzzleloading firearm.
- c) Non-expanding, military-style full metal jacket bullets cannot be used to harvest white-tailed deer; only soft point or expanding bullets (including copper/copper alloy rounds designed for hunting) are legal ammunition.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 650.40 Statewide Deer Hunting Rules**

- a) The bag limit is one deer per legally authorized eligible, antlered-only or antlerless-only permit. All either-sex permits and antlered-only permits are subject to the following restriction: no hunter, regardless of the quantity or type of permits in his/her possession, may harvest more than 2 antlered deer during a year, including the archery, muzzleloader, and firearm seasons. For purposes of this Section, deer seasons are considered to be in the same year if their opening dates fall within the same 12-month period that begins on July 1. A hunter in possession of an either-sex permit after having harvested 2 antlered deer during a year, as defined above, may only use the permit to harvest an antlerless deer. Subject to this restriction, an either-sex permit holder is allowed to take a deer with or without antlers and an antlered-only permit holder is allowed to take only a deer having at least one antler of a length of 3 or more inches. An antlerless only permit holder is allowed to take only a deer without antlers or a deer having antlers less than 3 inches long.
- b) Recipients of the Firearm Deer Hunting Permit shall record their signature on the permit and must carry it on their person while hunting.
- c) The temporary harvest tag shall be attached and properly sealed immediately upon kill and before the deer is moved, transported or field dressed. No person shall leave any deer that has been killed without properly attaching the temporary harvest tag to the deer. The temporary harvest tag should be attached around the base of the antler of antlered deer (antlers 3 or more inches in length), and attached to

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

the leg of antlerless deer (<3 inch antler length, or no antlers). If the head/antlers are delivered to a taxidermist for processing, the temporary harvest tag must accompany them and be kept with the head/antlers while at the taxidermist. If the carcass is taken to a meat processor, the permanent harvest tag must remain attached to the leg of the deer until it is processed, then must remain with the processed deer until it is at the legal residence of the person who legally took or possessed the deer. The deer shall be taken whole (or field dressed) to the designated check station (either the county check station or the nearest check station to the site of the kill) by the hunter in person by 8:00 p.m. of the day the deer was killed. The deer may not be quartered as during the archery deer season (17 Ill. Adm. Code 670.55). If a hunter is not able to locate a harvested deer in sufficient time to enable checking the deer by 8:00 p.m., the hunter must take the deer to the appropriate check station upon its opening (8:00 a.m.) the following morning, or immediately upon retrieving it if that occurs later than the opening of the check station. If this situation occurs on a Sunday (e.g., the check station will not be open on Monday), the hunter must contact the appropriate regional DNR Law Enforcement Office by 10:00 a.m. Monday morning for instructions on checking in the deer. ~~Beer--shall--be checked--in--by--the--hunter--in--person--by--8:00--p.m.--the--same--day--it--is killed--either--at--the--county--check--station--or--the--nearest--check station--to--the--kill--site.~~ Failure to follow this Section constitutes illegal possession of deer. Site specific reporting requirements must be followed in addition to this Section. Persons delivering deer/parts of deer to a tanner for processing must supply the tanner with their deer permit number to verify lawful acquisition. In the absence of a permit number, the tanner may rely on the written certification of the person from whom the deer was received that the specimen was legally taken or obtained.

d) Hunters shall not have in their possession, while in the field during firearm deer season, any deer permit issued to another person (permits are non-transferable).

e) Permits will not be re-issued in cases involving deer taken which are found to be diseased or spoiled due to previous injury. Legal disposal of unfit deer taken shall be the responsibility of the hunter.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 650.60 Regulations at Various Department-Owned or -Managed Sites

- a) All the regulations in 17 Ill. Adm. Code 510 - General Hunting and Trapping apply in this Section, unless this Section is more restrictive.
- b) It is unlawful to drive deer, or participate in a deer drive, on all

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

Department-owned or -managed properties. A deer drive is defined as a deliberate action by one or more persons (whether armed or unarmed) whose intent is to cause deer to move within firearm range of one or more participating hunters.

c) Only one tree stand is allowed per deer permit holder. These tree stands must comply with restrictions listed in 17 Ill. Adm. Code 510.10(c)(3) and must be portable. Tree stands must be removed at the end of each day with the exception that they may be left unattended from September 15 - January 31 at those sites listed in this Section that are followed by a (1). Any tree stand left unattended overnight must be legibly marked with the owner's name, address, and telephone number, or site assigned identification number.

d) Check-in, check-out, and reporting of harvest is required at those sites listed in this Section that are followed by a (2).

e) Only antlerless deer or antlered deer having at least four points on one side may be harvested at those sites listed in this Section that are followed by a (3).

f) Only antlerless deer or antlered deer having at least five points on one side may be harvested at those sites listed in this Section that are followed by a (4).

g) ~~Youth-hunters must be accompanied by a parent or legal guardian--while hunting--at--those--sites--listed--in--this--Section--and--Section--650-65 followed--by--a--(6)--also--the--parent--or--guardian--may--hunt--if--he--or--she has--a--valid--firearm--deer--permit--for--the--county--in--which--the--specific site--is--located--or--if--site--is--followed--by--(5)--~~

gh) Statewide regulations shall apply at the following sites:

Cache River State Natural Area (1) (2)

Campbell Pond (1) (2)

Carlyle Lake Lands and Waters (Corps of Engineers managed lands)

Carlyle Lake Wildlife Management Area (except subimpoundment area)

Chauncey Marsh (1) (2)

Crawford County Conservation Area (1) (2)

Cypress Creek National Wildlife Refuge

Cypress Pond State Natural Area (1) (2)

Dog Island Wildlife Management Area (1) (2)

Ferne Clyffe State Park (1) (2)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

Fort de Chartres State Historic Site (muzzleloading rifles only)  
(1) (2)

Giant City State Park (1) (2)

Hamilton County Conservation Area (1) (2)

Horseshoe Lake Conservation Area - Alexander County (all portions of the Public Hunting Area except the Controlled Goose Hunting Area) (1) (2)

I-24 Wildlife Management Area (1) (2)

Kaskaskia River Fish and Wildlife Area (1) ~~{Doza-Creek--Waterfowl Management--Area--closed--during-duck-season}~~ (2, except south of Highway 154 and north of Highway 13) {Doza Creek Waterfowl Management Area closed during duck season}

Kinkaid Lake Fish and Wildlife Area (1) (2)

Lake Le Aqua Na State Park (standby hunting allowed during the first season if all blinds not filled by youth hunters)

Mermet Lake Conservation Area (1) (2)

Mississippi Fish and Waterfowl Management Area - Pools 25 and 26

Mississippi River Pool 16 (1)

Mississippi River Pools 17, 18 (1)

Mississippi River Pools 21, 22, 24 (1)

Newton Lake Fish and Wildlife Area (2)

Oakford Conservation Area (1)

Pere Marquette State Park (hunting in designated areas only) (2)

Rend Lake Project Lands and Waters (1) State--Fish--and--Wildlife Area

Saline County Fish and Wildlife Area (1) (2)

Sangamon-County-Conservation-Area

Sanganois State Wildlife Area (1)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

Sielbeck Forest Natural Area (1) (2)

~~Starved--Rock/Matthiessen--Beltis--State-Park--Monday--Tuesday--and Wednesday--before--the--first--statewide--firearm--deer--season--only}~~  
~~{antlerless--deer--only--}{2--}{5}~~

~~Starved--Rock/Matthiessen--Beltis--State-Park--Monday--Tuesday--and Wednesday--before--the--second--statewide--firearm--deer--season--only}~~  
~~{antlerless--deer--only--}{2--}{5}~~

Ten Mile Creek Fish and Wildlife Area (1); Belle Rive Unit only  
(3)

Trail of Tears State Forest (1) (2)

Turkey Bluffs Fish and Wildlife Area (1) (2)

Union County Conservation Area (Firing Line Unit only) (1) (2)

Weinberg-King State Park (2)

Wildcat Hollow State Forest (1)

(b) Statewide regulations shall apply at the following sites by special permit allocated through the regular statewide drawing. Season dates that differ from the statewide dates are in parentheses. Sites that offer standby hunting are followed by a (1)(5). At sites offering standby hunting, permit holders must register at the check station by 5:00 a.m. each day of the hunt. Unvalidated permits are void after 5:00 a.m. Vacancies each day will be filled by a drawing held at 5:00 a.m. Vacancies may be filled by any person holding a valid hunting license, Habitat Stamp, and Firearm Owner Identification Card, unless exempt. Standby hunters will be issued a one-day site-specific deer permit at the check station, and charged a permit fee of \$5. All hunters must check out and report harvest.

Apple River Canyon State Park - Thompson and Salem Units (first or second season only) (2)

Argyle Lake State Park Recreation-Area (5)

Beall Woods State Park (first-or-second-season-only; antlerless deer only) (1) (2) (5)

Big River State Forest (5)

Castle Rock State Park (first or second season only) (antlerless only) (1) (2) (5)



## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

Coffeen Lake State Fish and Wildlife Area

Des Plaines Conservation Area (first season only) (2) (5)

East Conant Field (1) (3)

Fort Massac State Park (second season only) (antlerless deer only) (2)

Fox Ridge State Park (1)

Goose Lake Prairie State Natural Area Park (tree stands not allowed; first or second season only; antlerless deer only; "Texas" style tripod stands allowed) (2) (5)

Green River State Wildlife Area (first or second season only) (1) (2) (5)

Harry "Babe" Woodyard State Natural Area (2) (3)

Heidecke State Fish and Wildlife Area (first or second season only) (2) (4) (5)

Hidden Springs State Forest

Horseshoe Lake Conservation Area - Alexander County (Refuge, last Saturday in October; antlerless only) (5)

Hurricane Creek Habitat Area

Iroquois County Conservation Area/Hooper Branch (first season only) (2) (5)

Iroquois County Conservation Area---[Hooper Branch only] (second season only) (2) (5)

Jim Edgar Panther Creek State Fish and Wildlife Area (1) (2) (3)

Jim Edgar Panther Creek State Fish and Wildlife Area [West Open Unit] (1) (2) (3)

Kickapoo State Recreation Area Park (2)

Lowden-Miller State Forest (first season only) (1) (2) (3) (5)

Lowden-Miller State Forest (second season only) (1) (2) (3) (5)

Mackinaw River Fish and Wildlife Area (1) (2) (5)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

Marseilles Fish and Wildlife Area (first season only) (all tree stands must be removed no later than the last day of the archery deer season) (1) (2) (5)

Marseilles Fish and Wildlife Area (second season only) (all tree stands must be removed no later than the last day of the archery deer season) (1) (2) (5)

Marshall Fish and Wildlife Area (2) (5)

Middle Fork Fish and Wildlife Area (2)

Mississippi Palisades State Park (first season only)

Momence Wetlands

Morrison-Rockwood State Park (first season only) (5)

~~Panther-Creek-Conservation-Area-(1)-(2)-(3)~~

Pyramid State Park (1) (2)

Ray Norbut Fish and Wildlife Conservation Area (2) (5)

Sahara Woods (1) (2)

Sand Ridge State Forest (1) (2)

Sangamon County Conservation Area (1)

~~Sato-Field-(1)-(3)~~

Siloam Springs State Park (2) (3)

Starved Rock/Mattheissen Dells State Park (Monday, Tuesday and Wednesday before the first statewide firearm deer season only) (antlerless deer only) (2) (5)

Starved Rock/Mattheissen Dells State Park (Monday, Tuesday and Wednesday before the second statewide firearm deer season only) (antlerless deer only) (2) (5)

Tapley Woods State Natural Area (first or second season only) (2)

Witkowski State Wildlife Area (first or second season only) (2)

Wolf Creek State Park (participants in the Corps of Engineers special disabled hunt program ~~disabled-hunters~~ are exempt from

DEPARTMENT OF NATURAL RESOURCES  
NOTICE OF PROPOSED AMENDMENTS

site's antler restrictions) (3)  
(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 650.65 Youth Hunt (Repealed)

Statewide regulations shall apply except as noted in parentheses at the following sites by special permit allocated through the regular statewide drawing. Shooting is allowed from elevated tree stands only except as noted in parentheses. Applicants must be between the ages of 10-15:

Crab Orchard National Wildlife Refuge (first season only) (1)-(2)

Bixon Springs State Park (1)-(2)-(6)

Port Massac State Park (first season only) (1)-(2)-(6)

Lake Bequaqua State Park (hunting from Department established ground blinds only; first season only; participants other than youth hunters may only take antlerless deer) (1)-(2)-(5)-(6)

(Source: Repealed at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 650.67 Special Hunts for Disabled Hunters

Statewide regulations shall apply; season dates shall be the Thursday, Friday, and Saturday immediately prior to the first firearm deer season, and the Thursday, Friday, and Saturday immediately following the second weekend of the regular firearm season unless otherwise noted in parentheses. Permit applications may be obtained from the appropriate Illinois Department of Natural Resources regional office, and completed applications must be returned to that office by the third Friday in October. Disabled hunters must possess a Class P2A disability card in order to be eligible for the drawing. All participating hunters must show proof of passing the Illinois Hunter Safety Course or an equivalent State program for nonresidents unless otherwise noted in parentheses. Additional regulations will be publicly announced.

Clinton Lake State Recreation Area (Mascoutin State Park) (2) (5)

Rock Cut State Park (participants other than disabled hunters must take an antlerless deer before taking an antlered deer) (2) (5)

Starved Rock State Park (Monday, Tuesday and Wednesday before the first statewide firearm deer season only; antlerless deer only; hunter safety course not required) (2) (5)

DEPARTMENT OF NATURAL RESOURCES  
NOTICE OF PROPOSED AMENDMENTS

Starved Rock State Park (Monday, Tuesday and Wednesday before the second statewide firearm deer season only; antlerless deer only; hunter safety course not required) (2) (5)

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: White-Tailed Deer Hunting by Use of Muzzleloading Rifles

- 2) Code Citation: 17 Ill. Adm. Code 660

- | <u>Section Numbers:</u> | <u>Proposed Action:</u> |
|-------------------------|-------------------------|
| 660.20                  | Amendment               |
| 660.25                  | Amendment               |
| 660.30                  | Amendment               |
| 660.40                  | Amendment               |
| 660.60                  | Amendment               |

- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26, 2.33 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26, 2.33 and 3.36].

- 5) A Complete Description of the Subjects and Issues Involved: Amendments to this Part give residents preference in the second permit lottery, allow hunters to quarter deer to facilitate cooling of the carcass, clarify what ammunition can be used, open and close State-owned or -managed sites to firearm deer hunting.

- 6) Will this rulemaking replace any emergency amendment currently in effect?  
No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Do these proposed amendments contain incorporations by reference? No

- 9) Are there any other proposed amendments pending on this Part? No

- 10) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice to:

Jack Price  
Department of Natural Resources  
524 S. Second Street  
Springfield IL 62701-1787  
217/782-1809

- 12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

corporations affected: None

- B) Reporting, bookkeeping or other procedures required for compliance:  
None

- C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda on which this amendment was summarized: July 2000

The full text of the Proposed Amendments begins on the next page:



## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

TITLE 17: CONSERVATION  
 CHAPTER I: DEPARTMENT OF NATURAL RESOURCES  
 SUBCHAPTER b: FISH AND WILDLIFE

PART 660  
 WHITE-TAILED DEER HUNTING BY USE  
 OF MUZZLELOADING RIFLES

| Section |   |
|---------|---|
| 660.10  | Statewide Season and Permit Quotas                        |
| 660.20  | Statewide Deer Permit Requirements                        |
| 660.21  | Deer Permit Requirements - Free Landowner/Tenant Permits  |
| 660.22  | Deer Permit Requirements - Special Hunts                  |
| 660.25  | Deer Permit Requirements - Group Hunt                     |
| 660.30  | Statewide Muzzleloading Rifle Requirements                |
| 660.40  | Statewide Deer Hunting Rules                              |
| 660.45  | Reporting Harvest   |
| 660.50  | Rejection of Application/Revocation of Permits            |
| 660.60  | Regulations at Various Department-Owned or -Managed Sites |

**AUTHORITY:** Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26, 2.33 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26, 2.33 and 3.36].

**SOURCE:** Adopted at 15 Ill. Reg. 4777, effective March 18, 1991; amended at 15 Ill. Reg. 11627, effective August 2, 1991; amended at 16 Ill. Reg. 11150, effective June 30, 1992; amended at 17 Ill. Reg. 10865, effective July 1, 1993; amended at 18 Ill. Reg. 5878, effective April 5, 1994; amended at 18 Ill. Reg. 13435, effective August 23, 1994; amended at 19 Ill. Reg. 6500, effective April 28, 1995; amended at 20 Ill. Reg. 6734, effective May 6, 1996; amended at 21 Ill. Reg. 5583, effective April 19, 1997; amended at 21 Ill. Reg. 9122, effective June 26, 1997; amended at 22 Ill. Reg. 8026, effective April 28, 1998; amended at 23 Ill. Reg. 5579, effective April 26, 1999; amended at 24 Ill. Reg. 10251, effective July 1, 2000; amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

### Section 660.20 Statewide Deer Permit Requirements

- a) Illinois resident hunters must have a current, valid "Muzzleloading Rifle Deer Permit" (\$15). Muzzleloading rifle deer permit fees for non-residents shall be \$100 for each either-sex muzzleloading permit and \$25 for each antlerless-only permit. A permit is issued for one county and is valid only in the county stated on the permit. Only applicants who receive an either-sex permit in a county or special hunt area are eligible for an antlerless-only permit for that county or special hunt area, except in counties that are specially designated for more intensive removal of does in a given year. Any such counties will be identified prior to the Random Daily Drawing period which

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

begins in September, and a limited number of antlerless-only permits will be made available regardless of whether applicants already possess an either-sex permit. For permit applications and other information write to:

Department of Natural Resources  
 (Muzzleloading Rifle)  
 Deer Permit Office  
 524 South Second Street, Room 210  
 P.O. Box 19227  
 Springfield, IL 62794-9227

- b) Applications from Illinois residents for participation in the First Lottery Drawing shall be accepted through the last weekday in April of the current year. Nonresidents may not apply to participate in the First Lottery Drawing. Applications received after the last weekday in April shall not be included in this lottery. Permits shall be allocated in a computerized random drawing. Permits shall be issued as either-sex, antlerless-only or antlered only. A maximum of one either-sex and one antlerless-only permit shall be issued per person.
- c) Applicants must complete all portions of the current year permit application form. Incomplete or incorrect applications will be returned along with the applicant's permit fee for correction or completion if received in the Permit Office prior to the last weekday in April of the current year.
- d) Applicants must check the antlerless-only box and enclose an additional \$15 to apply for an additional antlerless-only permit. Antlerless-only permits will be issued until the antlerless-only quota is filled for a given county or special hunt area.
- e) Permits for counties and special hunt areas with unfilled quotas after the First Lottery Drawing shall be allocated in a Second Lottery Drawing. This drawing is open only to nonresident applicants and to Illinois residents who were not previously issued firearm or muzzleloader permits for the current hunting season. Illinois residents will be given preference for permits allocated in the Second Lottery Drawing. Applications for the Second Lottery Drawing will be accepted through the tenth weekday in August of the current year. Applicants may also apply for remaining antlerless-only permits by checking the antlerless-only box and enclosing an additional \$15. A list of unfilled counties shall be announced upon becoming available after the First Lottery Drawing. Applicants must apply on a current year "Muzzleloading Rifle" Deer Permit application form. A maximum of one either-sex and one antlerless-only permit shall be issued per person.
- f) No more than 6 single applications per envelope shall be accepted during the application periods for the First and Second Lottery Drawings. Each applicant must submit a separate personal check or money order. Separate envelopes must be used to send permit

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

applications to the Deer Permit Office for regular firearm, muzzleloading rifle, handgun, archery, and free or paid landowner/tenant permits.

- g) There will be an application period which starts the first working day after September 14 and ends the fifth weekday in November during which anyone (regardless of any other permit they may have, subject to the restriction in subsection (a)) can apply for muzzleloading deer permits left over from the county and special hunt area quotas. During this application period, the permits shall be issued in a random daily drawing. Applications received each day will not be processed until all applications received for that day are mixed. All applications received on a specific day will be processed before processing applications received for a subsequent day. All applications for the Random Daily Drawing will be processed individually (i.e., no group applications will be processed). Applicants can apply for one or more permits during this application period. Full season antlerless-only permits shall only be issued to successful applicants that have full season either-sex permits in the county applied for. Applicants must print "September Drawing - Multiple Muzzleloader Permits" on the outside of the envelope and mark the "September Drawing - Multiple Permits" box on the muzzleloading rifle deer permit application.
- h) Hunter preference in obtaining a muzzleloading rifle permit during the First Lottery Drawing shall be given to individuals that applied for an either-sex muzzleloading permit in the previous year's First Lottery Drawing who were rejected because the quota was depleted in their county choice(s). The following criteria must be met to obtain a preference in the muzzleloading rifle First Lottery Drawing:

- 1) The applicant must apply using the official agency preprinted data-mailer application.
- 2) The applicant must be a resident of the state, be eligible to receive a Muzzleloading Rifle Deer Permit, and not had deer hunting privileges revoked pursuant to Section 660.50.
- 3) The applicant must apply for the same county choice(s) which he/she listed on the previous year's application. Preference will not be granted for special hunt areas.
- 4) Where applicants apply as a group, preference for the entire group shall apply as it does above for the individual. All county choices for the group must be identical.
- i) Applications shall be accepted at the counter window of the permit office; however, permits shall be mailed. In-person and mail-in applications will receive equal treatment in the drawings.
- j) Permits are not transferrable. Refunds shall not be granted unless the Department of Natural Resources has erroneously issued the permit after the quota has been depleted or where the applicant was unsuccessful in obtaining a permit.
- k) A \$3 service fee shall be charged for replacement permits issued by the Department, except when permits are lost in the mail, then there

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

shall be no charge. Monies derived from this source shall be deposited in the Wildlife and Fish Fund.

- l) The period for accepting applications for the First and Second Lottery periods shall be extended if applications are not available to the public by April 1. A news release will announce the extension of the application period.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 660.25 Deer Permit Requirements - Group Hunt

- a) Up to six individuals may apply to hunt as a group during the First and Second Lottery Drawings. If applicants are applying in a group, all applications for the group must be sent to the Department in the same envelope. All applications for the group shall be processed together only if they are received in the same envelope. Any applications indicating participation in a group that are not received in the same envelope shall be processed separately.

- b) Each individual must sign his or her own application.
- c) Applicants must enclose a separate check or money order for the appropriate amount for each application or the applications will be returned.

- d) In order to receive preference for the group, all members must have preference for the same county choice. If any member does not have preference for the group's first county choice, the entire group shall not receive preference.

- e) Applicants applying as a group shall be rejected if they do not list the same county choice and complete the group leader information listing the identical group leader.

- f) Since Illinois residents are given preference for permits allocated in the Second Lottery Drawing, groups containing both resident and non-resident applicants will be treated as non-residents.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 660.30 Statewide Muzzleloading Rifle Requirements

- a) The only legal hunting device is a single or double barreled muzzleloading firearm of at least .45 caliber shooting a single projectile through a barrel of at least 16 inches in length. (Except that the otherwise lawful possession of rifles to take furbearing mammals and game mammals other than deer shall not be prohibited during the muzzleloading rifle deer season as set in Section 660.10.)
- b) The standards and specifications for use-of--such muzzleloading firearms and ammunition ~~firearm~~ are as follows:

- 1) A muzzleloading firearm is defined as a blackpowder firearm that

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

is incapable of being loaded from the breech end.

- 2) The minimum size of the muzzleloading firearm projectile shall be .44 caliber. A wad or sleeve is not considered a projectile or a part of the projectile. Non-expanding, military-style full metal jacket bullets cannot be used to harvest white-tailed deer; only soft point or expanding bullets (including copper/copper alloy rounds designed for hunting) are legal ammunition. Patented ~~jacket-bullets-cannot-be-used-to-harvest-white-tailed-deer-~~
- 3) Only black powder or a "black powder substitute" such as Pyrodex may be used. Modern smokeless powders (nitrocellulose-based) do not qualify as a "black powder substitute".
- 4) Only percussion caps, wheellock, matchlock or flint type ignition may be used.
- 5) Removal of percussion cap or removal of prime powder from frizzen pan with frizzen open and hammer all the way down or removal of prime powder from flashpan and wheel un-wound or removal of prime powder and match with match not lit shall constitute an unloaded muzzleloading firearm.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 660.40 Statewide Deer Hunting Rules

- a) The bag limit is one deer per legally authorized either-sex, antlered-only or antlerless-only permit. All either-sex permits and antlered-only permits are subject to the following restriction: no hunter, regardless of the quantity or type of permits in his/her possession, may harvest more than 2 antlered deer during a year, including the archery, muzzleloader, and firearm seasons. For purposes of this Section, deer seasons are considered to be in the same year if their opening dates fall within the same 12-month period that begins on July 1. A hunter in possession of an either-sex permit after having harvested 2 antlered deer during a year, as defined above, may only use the permit to harvest an antlerless deer. Subject to this restriction, an either-sex permit holder is allowed to take a deer with or without antlers and an antlered-only permit holder is allowed to take only a deer having at least one antler of a length of 3 or more inches. An antlerless only permit holder is allowed to take only a deer without antlers or a deer having antlers less than 3 inches long.
- b) Recipients of the Muzzleloading Rifle Deer Hunting Permit shall record their signature on the permit and must carry it on their person while hunting.
- c) The temporary harvest tag shall be attached and properly sealed immediately upon kill and before the deer is moved, transported or field dressed. No person shall leave any deer that has been killed without properly attaching the temporary harvest tag to the deer.

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

The temporary harvest tag should be attached around the base of the antler of antlered deer (antlers 3 or more inches in length), and attached to the leg of antlerless deer (<3 inch antler length, or no antlers). A permanent harvest tag will be attached to the leg of the deer upon check out at the check station. If the head/antlers are delivered to a taxidermist for processing, the temporary harvest tag must accompany them and be kept with the head/antlers while at the taxidermist. If the carcass is taken to a meat processor, the permanent harvest tag must remain attached to the leg of the deer until it is processed, then must remain with the processed deer until it is at the legal residence of the person who legally took or possessed the deer. Persons delivering deer/parts of deer to a tanner for processing must supply the tanner with their deer permit number to verify lawful acquisition. In the absence of a permit number, the tanner may rely on the written certification of the person from whom the deer was received that the specimen was legally taken or obtained. It is permissible to quarter the deer carcass prior to checking it in, so long as all parts of the carcass (except the entrails removed during field dressing) are transported together and the carcass is tagged in the appropriate location, except during the second firearm deer season (Section 660.10). However, it is illegal to possess or transport a deer carcass, prior to checking it in, without evidence of sex naturally attached. If the carcass is quartered, evidence of sex only needs to be attached to one quarter or another major part of the carcass. Evidence of sex is:

- 1) For a buck: head with antlers attached to carcass, or attached testicle, scrotum, or penis.
- 2) For a doe: head attached to carcass, or attached udder (mammary) or vulva.

d) During the second firearm deer season, the deer shall be taken whole (or field dressed) to the designated check station (either the county check station or the nearest check station to the site of the kill) by the hunter in person by 8:00 p.m. of the day the deer was killed. The deer may not be quartered as during the archery deer season (17 Ill. Adm. Code 670.55).

ed) Hunters shall not have in their possession, any deer permit issued to another person, while in the field during muzzleloading rifle deer season (permits are non-transferable).

fe) Permits will not be re-issued in cases involving deer taken which are found to be diseased or spoiled due to previous injury. Legal disposal of unfit deer taken shall be the responsibility of the hunter.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 660.60 Regulations at Various Department-Owned or -Managed Sites



## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

- a) All the regulations in 17 Ill. Adm. Code 510 - General Hunting and Trapping apply in this Section, unless this Section is more restrictive.
- b) Only one tree stand is allowed per deer permit holder. Tree stands must comply with restrictions listed in 17 Ill. Adm. Code 510(c)(3) and must be portable. Tree stands must be removed at the end of each day with the exception that they may be left unattended from September 15 - January 31 at those sites listed in this Section that are followed by a (1). Any tree stand left unattended overnight must be legibly marked with the owner's name, address, and telephone number, or site assigned identification number.
- c) It is unlawful to drive deer or participate in a deer drive on all Department-owned or -managed properties. A deer drive is defined as a deliberate action by one or more persons (whether armed or unarmed) whose intent is to cause deer to move within firearm range of one or more participating hunters.
- d) Check-in, check-out and reporting of harvest is required at those sites listed in this Section that are followed by a (2).
- e) Handicapped preferred hunting opportunities are provided at those sites listed in this Section that are followed by a (3).
- f) Only antlerless deer or antlered deer having at least four points on one side may be harvested at those sites listed in this Section that are followed by a (4).
- g) Only antlerless deer or antlered deer having at least five points on one side may be harvested at those sites listed in this Section that are followed by a (5).
- h) Statewide regulations shall apply at the following sites:

Cache River State Natural Area (1) (2)

Campbell Pond Fish and Wildlife Area (1) (2)

Carlyle Lake Wildlife Management Area except subimpoundment areas

Carlyle Lake Lands and Waters - Corps of Engineers managed lands

Chauncey Marsh (1) (2)

Crawford County Fish and Wildlife Area (1) (2)

Cypress Creek National Wildlife Refuge

Cypress Pond State Natural Area (1) (2)

Dog Island Wildlife Management Area (1) (2)

Perne Clyffe State Park (1) (2)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

Fort de Chartres Historic Site (1) (2)

Giant City State Park (1) (2)

Hamilton County Fish and Wildlife Area (1) (2)

Horseshoe Lake Conservation Area - Alexander County (all portions of the Public Hunting Area except the Controlled Goose Hunting Area) (1) (2)

I-24 Wildlife Management Area (1) (2)

Jim Edgar Panther Creek State Fish and Wildlife Area West Open Unit (closed during second firearm season) (1) (2) (4)

Kaskaskia River Fish and Wildlife Area (1) ~~(Boza-Creek--Waterfowl Management-Area-is-closed-during-duck-season)~~ (2, except south of Highway 154 and north of Highway 13) (Doza Creek Waterfowl Management Area is closed during duck season)

Kickapoo State Park (closed during second firearm deer season) (1) (2)

Kinkaid Lake Fish and Wildlife Area (1) (2)

Mermet Lake Conservation Area (1) (2)

Middle Fork Fish and Wildlife Area (closed during second firearm deer season) (1) (2)

Mississippi River Pool 16 (1)

Mississippi River Pool 17 (1)

Mississippi River Pool 18 (1)

Mississippi River Pools 21, 22, 24 (1)

Mississippi Fish and Waterfowl Management Area - Pools 25 and 26

Oakford Conservation Area (1)

~~Panther-Creek-Conservation-Area-(1)-(2)-(4)-(4))~~

Pere Marquette State Park (hunting in designated area only) (2)

Pyramid State Park (1) (2)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

Ray Norbut Fish and Wildlife Conservation Area (2)

Rend Lake Project Lands and Waters Fish-and-Wildlife-Area (1)

Saline County Fish and Wildlife Area (1) (2)

Sand Ridge State Forest (1) (2)

Sanganois Fish and Wildlife Area (1)

Sielbeck Forest Natural Area (1) (2)

Ten Mile Creek Fish and Wildlife Area (1); Belle Rive Unit only (4)

Trail of Tears State Forest (1) (2)

Turkey Bluffs Fish and Wildlife Area (1) (2)

Union County Conservation Area (Firing Line Unit only) (1) (2)

Weinberg-King State Park (2)

Wildcat Hollow State Forest (1)

1) Statewide regulations shall apply at the following sites by special permit allocated through the regular statewide drawing. Season dates that differ from the statewide dates are in parentheses. Sites that offer standby hunting are followed by a (6). At sites offering standby hunting, permit holders must register at the check station by 5:00 a.m. each day of the hunt. Unvalidated permits are void after 5:00 a.m. Vacancies each day will be filled by a drawing held at 5:00 a.m. Vacancies may be filled by any person holding a valid hunting license, Habitat Stamp, and Firearm Owner Identification Card, if required. Standby hunters will be issued a one-day site-specific deer permit at the check station, and charged a permit fee of \$5. All hunters must check out and report harvest.

Castle Rock State Park (closed during second firearm season; antlerless deer only) (2) (6)

Clinton Lake State Recreation Area (North Fork Management Unit, north of the county road at the North Fork boat ramp) (1) (2)

East Conant Field (1) (4)

Hidden Springs State Forest (closed during second firearm deer season) (1) (2)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

Marseilles Fish and Wildlife Area (closed during second firearm and deer season) (all tree stands must be removed from this area no later than sunset of the last day of archery deer season) (1) (2) (6)

Midewin National Tallgrass Prairie (closed not-allowed during the second firearm deer season) (5)

Sahara Woods (1) (2)

Sato-Field--(1)-(4)

Tapley Woods State Natural Area (closed during the second firearm deer season)

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED RULES

1) Heading of the Part: Assisted Living and Shared Housing Establishment Code2) Code Citation: 77 Ill. Adm. Code 2953) Section Numbers: Proposed Action:

295.100 New Section  
295.200 New Section  
295.300 New Section  
295.400 New Section  
295.500 New Section  
295.600 New Section  
295.700 New Section  
295.800 New Section  
295.900 New Section  
295.1000 New Section  
295.1010 New Section  
295.1020 New Section  
295.1030 New Section  
295.1040 New Section  
295.1050 New Section  
295.1060 New Section  
295.1070 New Section  
295.1080 New Section  
295.1090 New Section  
295.1100 New Section  
295.2000 New Section  
295.2010 New Section  
295.2020 New Section  
295.2030 New Section  
295.2040 New Section  
295.2050 New Section  
295.2060 New Section  
295.2070 New Section  
295.3000 New Section  
295.3010 New Section  
295.3020 New Section  
295.3030 New Section  
295.3040 New Section  
295.4000 New Section  
295.4010 New Section  
295.4020 New Section  
295.4030 New Section  
295.4040 New Section  
295.4050 New Section  
295.4060 New Section  
295.5000 New Section  
295.6000 New Section  
295.6010 New Section

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED RULES

295.6020 New Section  
295.6030 New Section  
295.7000 New Section  
295.7010 New Section  
295.8000 New Section  
295.9000 New Section  
295.9010 New Section  
295.9020 New Section  
295.9030 New Section  
295.9040 New Section  
Appendix A New Section  
Appendix B New Section  
Table A New Section

4) Statutory Authority: Assisted Living and Shared Housing Act [210 ILCS 9]

5) A Complete Description of the Subjects and Issues Involved: These rules implement the Assisted Living and Shared Housing Act (the Act), effective January 1, 2001. The Act defines "assisted living" and "shared housing" and requires the Department to establish licensing procedures and minimum standards for assisted living and shared housing establishments, including location and construction standards. The Department is also authorized to prescribe requirements for personnel; sanitary conditions; maintenance; accommodations, staff and services; evacuation and safety procedures; and financial resources.

Subpart A of the rules includes general provisions such as definitions; licensing requirements; denial of a license; transfer of ownership; revocation, suspension, or refusal to renew a license; violations; annual on-site review and complaint investigation procedures; waivers; and compliance with the Alzheimer's Special Care Disclosure Act.

Policies for residency requirements, termination of residency; closure of the establishment; establishment contracts; disaster preparedness; incident and accident reporting; the quality improvement program; and negotiated risk agreements are addressed in Subpart B.

Personnel provisions such as qualifications, training, health evaluations, and health care worker background checks are set forth in Subpart C.

Subpart D establishes requirements for resident care and services, including assessment; service plans; mandatory services; communicable disease policies; tuberculin skin test procedures; Alzheimer and dementia programs; and special safety and service needs of individuals who are quadriplegic, paraplegic, or who have neuro-muscular diseases.

Subpart E establishes requirements for medication reminders; supervision of self-administration of medication; medication administration; and



DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

storage of medication.

Requirements for residents' rights are set forth in Subpart F.

Requirements for record keeping are set forth in Subpart G.

Subpart H includes requirements for the food service, if a food service is provided.

Subpart I sets forth requirements for the physical plant and environment.

Also included in the rules are a comprehensive assessment form, information to be provided to Alzheimer's/dementia clients, and a heat index table.

The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

The Department anticipates adoption of this rulemaking approximately six to nine months after publication of the notice in the *Illinois Register*.

6) Will this Rulemaking Replace an Emergency Rule Currently in Effect? No

7) Does this Rulemaking Contain an Automatic Repeal Date? No

8) Does this Rulemaking Contain Any Incorporations By Reference? Yes

9) Are there any other Proposed Amendments Pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State Mandate.

11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the *Illinois Register* to:

Paul Thompson  
Division of Legal Services  
Illinois Department of Public Health  
535 West Jefferson, Fifth Floor  
Springfield, Illinois 62761  
217/782-2043  
e-mail: rules@idph.state.il.us

These rules may have an impact on small businesses. In accordance with Sections 1-75 and 5-30 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Paul Thompson at

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

the above address.

Any small business (as defined in Section 1-75 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

12) Initial Regulatory Flexibility Analysis:

A) Type of Small Businesses, Small Municipalities and Not-for-Profit Corporations Affected: Assisted living and shared housing establishments

B) Reporting, Bookkeeping or Other Procedures Required for Compliance: Reporting procedures are set forth in the proposed rules.

C) Types of Professional Skills Necessary for Compliance: Some activities require nursing skills.

13) Regulatory Agenda on which this rulemaking was summarized: July 2000

The full text of the Proposed Rules begins on the next page:

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED RULES

## TITLE 77: PUBLIC HEALTH

## CHAPTER I: DEPARTMENT OF PUBLIC HEALTH

## SUBCHAPTER C: LONG-TERM CARE FACILITIES

## PART 295

## ASSISTED LIVING AND SHARED HOUSING ESTABLISHMENT CODE

## SUBPART A: GENERAL PROVISIONS

| Section  |  |
|----------|--|
| 295.100  | Purpose of the Act and this Part                                 |
| 295.200  | Definitions  |
| 295.300  | Incorporated and Referenced Materials                            |
| 295.400  | License Requirement  |
| 295.500  | Application for License  |
| 295.600  | Issuance of an Initial Regular License                           |
| 295.700  | Issuance of a Renewal License                                    |
| 295.800  | Probationary License   |
| 295.900  | Alzheimer's Special Care Disclosure                              |
| 295.1000 | Denial of a License  |
| 295.1010 | Revocation, Suspension, or Refusal to Renew a License            |
| 295.1020 | Transfer of Ownership  |
| 295.1030 | Information to Be Made Available to the Public by the Licensee   |
| 295.1040 | Information to Be Made Available to the Public by the Department |
| 295.1050 | Technical Infractions  |
| 295.1060 | Violations   |
| 295.1070 | Remedies and Sanctions   |
| 295.1080 | Annual On-Site Review and Complaint Investigation Procedures     |
| 295.1090 | Waivers  |
| 295.1100 | Complaints   |

## SUBPART B: POLICIES

| Section  |                                 |
|----------|---------------------------------|
| 295.2000 | Residency Requirements          |
| 295.2010 | Termination of Residency        |
| 295.2020 | Notice of Closure               |
| 295.2030 | Establishment Contracts         |
| 295.2040 | Disaster Preparedness           |
| 295.2050 | Incident and Accident Reporting |
| 295.2060 | Quality Improvement Program     |
| 295.2070 | Negotiated Risk Agreement       |

## SUBPART C: PERSONNEL

| Section  |   |
|----------|---|
| 295.3000 | Personnel Requirements, Qualifications and Training |
| 295.3010 | Manager's Qualifications                            |

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED RULES

## TITLE 77: PUBLIC HEALTH

## CHAPTER I: DEPARTMENT OF PUBLIC HEALTH

## SUBCHAPTER C: LONG-TERM CARE FACILITIES

## SUBPART D: RESIDENT CARE AND SERVICES

| Section  |   |
|----------|---|
| 295.4000 | Assessment  |
| 295.4010 | Service Plan  |
| 295.4020 | Mandatory Services  |
| 295.4030 | Special Safety and Service Needs of Individuals Who Are Quadriplegic or Paraplegic, or Who Have Neuro-Muscular Diseases |
| 295.4040 | Communicable Disease Policies   |
| 295.4050 | Tuberculin Skin Test Procedures   |
| 295.4060 | Alzheimer's and Dementia Programs   |

## SUBPART E: MEDICATIONS

| Section  |   |
|----------|---|
| 295.5000 | Medication Reminders, Supervision of Self-Medication, Medication Administration and Storage |

## SUBPART F: RESIDENT RIGHTS

| Section  |   |
|----------|---|
| 295.6000 | Resident Rights   |
| 295.6010 | Abuse, Neglect, and Financial Exploitation Prevention and Reporting |
| 295.6020 | Recognition of Legal Designation                                    |
| 295.6030 | Resident's Representative   |

## SUBPART G: RESIDENT AND ESTABLISHMENT RECORDS

| Section  |                       |
|----------|-----------------------|
| 295.7000 | Resident Records      |
| 295.7010 | Establishment Records |

## SUBPART H: FOOD SERVICE

| Section  |              |
|----------|--------------|
| 295.8000 | Food Service |

## SUBPART I: PHYSICAL PLANT AND ENVIRONMENTAL REQUIREMENTS

| Section  |   |
|----------|---|
| 295.9000 | Physical Plant  |
| 295.9010 | Supplemental Physical Plant Requirements for Assisted Living Establishments |
| 295.9020 | Supplemental Physical Plant Requirements for Shared Housing                 |

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED RULES

## Establishments

295.9030

Furnishings

295.9040

Environmental Requirements

## APPENDIX A Comprehensive Assessment Form

## APPENDIX B Information to Be Provided to Alzheimer's/Dementia Clients

## TABLE A Heat Index Table/Apparent Temperature

AUTHORITY: Implementing and authorized by the Assisted Living and Shared Housing Act [210 ILCS 9].

SOURCE: Adopted at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: GENERAL PROVISIONS

## Section 295.100 Purpose of the Act and this Part

a) The purpose of the Act is to permit the development and availability of assisted living establishments and shared housing establishments based on a social model that promotes the dignity, individuality, privacy, independence, autonomy, and decision-making ability and the right to negotiated risk of those persons; to provide for the health, safety, and welfare of those residents residing in assisted living and shared housing establishments in this State; to promote continuous quality improvement in assisted living; and to encourage the development of innovative and affordable assisted living establishments and shared housing with service establishments for elderly persons of all income levels. It is the public policy of this State that assisted living is an important part of the continuum of long term care. In support of the goal of aging in place within the parameters established by the Act, assisted living and shared housing establishments shall be operated as residential environments with supportive services designed to meet the individual resident's changing needs and preferences. The residential environment shall be designed to encourage family and community involvement. The services available to residents, either directly or through contracts or agreements, are intended to help residents remain as independent as possible. Assisted living, which promotes resident choice, autonomy, and decision-making, should be based on a contract model designed to result in a negotiated agreement between the resident or the resident's representative and the provider, clearly identifying the services to be provided. This model assumes that residents are able to direct services provided for them and will designate a representative to direct these services if they themselves are unable to do so. This model supports the principle that there is an acceptable balance between consumer protection and resident willingness to accept risk and that most consumers are competent to

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED RULES

make their own judgments about the services they are obtaining. Regulation of assisted living establishments and shared housing establishments must be sufficiently flexible to allow residents to age in place within the parameters of the Act. The administration of the Act and services provided must therefore ensure that the residents have the rights and responsibilities to direct the scope of services they receive and to make individual choices based on their needs and preferences. These establishments shall be operated in a manner that provides the least restrictive and most homelike environment and that promotes independence, autonomy, individuality, privacy, dignity, and the right to negotiated risk in residential surroundings. It is not the intent of the State that establishments licensed under this Act be used as halfway houses for alcohol and substance abusers. (Section 5 of the Act)

b) The purpose of this Part is to establish standards for assisted living and shared housing establishments. The standards support the concept of aging in place and promote the availability of appropriate services for elderly and disabled persons in a homelike environment that enhances the dignity, independence, individuality, privacy, choice and decision-making ability of the resident.

c) This Part requires assisted living and shared housing establishments to address standards in the delivery of services to residents and to design the physical environment to support dignity, independence, individuality, privacy, choice, and the decision-making abilities of individual residents.

## Section 295.200 Definitions

The following terms have the meaning ascribed to them here whenever the term is used in this Part:

Abuse - any physical or mental injury or sexual assault inflicted on a resident, other than by accidental means, in an establishment.

Act - the Assisted Living and Shared Housing Act (Public Act 91-656, effective January 1, 2001).

Activities of daily living - eating, dressing, bathing, toileting, transferring, or personal hygiene. (Section 10 of the Act)

Adequate - enough in either quantity or quality, as determined by a reasonable person. This determination must be consistent with current professional standards of the subject under review, to meet the needs of the residents of a facility under the particular set of circumstances in existence at the time of review.

Administrative Warning - a notice to an establishment issued by the Department under Section 295.1070 of this Part that indicates that a



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED RULES

situation, condition or practice in the establishment violates the Act or this Part.

Applicant - the individual, partnership, corporation, association, or other person that owns or operates an assisted living or shared housing establishment and makes application for a license.

Appropriate - term used to indicate that a requirement is to be applied according to the needs of a particular individual or situation, as determined by a reasonable person. This determination must be consistent with current professional standards of the subject under review.

Assessment - see Comprehensive Assessment.

Assisted living establishment or establishment - a home, building, residence, or any other place where sleeping accommodations are provided for at least three unrelated adults, at least 80% of whom are 55 years of age or older and where the following are provided consistent with the purpose of the Act:

services consistent with a social model that is based on the premise that the resident's unit in assisted living and shared housing is his or her own home; community-based residential care for persons who need assistance with activities of daily living, including personal, supportive, and intermittent health-related services available 24 hours per day, if needed, to meet the scheduled and unscheduled needs of a resident;

mandatory services, whether provided directly by the establishment or by another entity arranged for by the establishment, with the consent of the resident or resident's representative; and

a physical environment that is a homelike setting that includes the following and such other elements as established by the Department in conjunction with the Assisted Living and Shared Housing Advisory Board: individual living units each of which shall accommodate small kitchen appliances and contain private bathing, washing, and toilet facilities, or private washing and toilet facilities with a common bathing room readily accessible to each resident. Units shall be maintained for single occupancy except in cases in which two residents choose to share a unit. Sufficient common space shall exist to permit individual and group activities.

Assisted living establishment or establishment does not mean any of the following:

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED RULES

A home, institution, or similar place operated by the federal government or the State of Illinois.

A long term care establishment licensed under the Nursing Home Care Act. However, a long term care establishment may convert distinct parts of the establishment to assisted living. If the long term care establishment elects to do so, the establishment shall retain the Certificate of Need for its nursing and sheltered care beds that were converted.

A hospital, sanitarium, or other institution, the principal activity or business of which is the diagnosis, care, and treatment of human illness and that is required to be licensed under the Hospital Licensing Act.

An establishment for child care as defined in the Child Care Act of 1969.

A community living establishment as defined in the Community Living Facilities Licensing Act.

A nursing home or sanitarium operated solely by and for persons who rely exclusively upon treatment by spiritual means through prayer in accordance with the creed or tenants of a well-recognized church or religious denomination.

An establishment licensed by the Department of Human Services as a community-integrated living arrangement as defined in the Community-Integrated Living Arrangements Licensure and Certification Act.

A supportive residence licensed under the Supportive Residences Licensing Act.

A life care establishment as defined in the Life Care Facilities Act; a life care establishment may apply under the Act to convert sections of the community to assisted living.

A free-standing hospice establishment licensed under the Hospice Program Licensing Act.

A shared housing establishment.

A supportive living establishment as described in Section 5-5.01a of the Illinois Public Aid Code. (Section 10 of the Act)

Chemical restraint - any drug that is used for discipline or convenience and is not required to treat medical symptoms.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

Comprehensive assessment or assessment - a complete evaluation of the resident's physical, cognitive, and psychosocial condition conducted by a physician.

Contract - a legal document containing all information required by Section 90 of the Act between the resident or his/her representative and the establishment, outlining the rights and responsibilities of both parties.

*Department - the Department of Public Health.* (Section 10 of the Act)

Developmental disability - a severe, chronic disability of a person that:

is attributable to a mental or physical impairment or combination of mental and physical impairments;

is manifested before the person attains age 22;

is likely to continue indefinitely;

results in substantial limitations in three or more of the following areas of major life activity: self-care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living, and economic self-sufficiency; and

reflects the person's need for a combination and sequence of special, interdisciplinary or generic care, treatment or other services that are of lifelong or extended duration and are individually planned and coordinated.

Dietician - a person who is a licensed dietician as provided in the Dietetic and Nutrition Services Practice Act.

Direct care - the provision of nursing care or assistance with feeding, dressing, movement, bathing, or other personal needs.

Direct supervision - oversight of the establishment by the manager.

*Emergency situation - imminent danger of death or serious physical harm to a resident of an establishment.* (Section 10 of the Act)

Evaluation - a determination by the establishment of a resident's abilities and needs.

Financial exploitation - the act of obtaining control over the elderly person or his/her property through deception or intimidation with the intent of depriving the elderly person of the use, benefit or

NOTICE OF PROPOSED RULES

possession of his/her property.

Financial viability - having sufficient assets to provide mandatory services and utilities for at least a three-month period of time.

Full time - on duty a minimum of 36 hours, four days per week.

Governing body - the policy-making authority, whether an individual or a group, that exercises general direction over the affairs of an establishment and establishes policies concerning its operation and the welfare of the individuals it serves.

Guardian - a person appointed under the Probate Act of 1975 as a guardian of the person or guardian of the estate, or both, of a resident.

Home health agency - a public agency or private organization that is licensed to provide home health services under the Home Health Agency Licensing Act.

*License - any of the following types of licenses issued to an applicant or licensee by the Department:*

*Probationary license - a license issued to an applicant or licensee that has not held a license under the Act prior to its application or pursuant to a license transfer in accordance with Section 50 of the Act.*

*Regular license - a license issued by the Department to an applicant or licensee that is in substantial compliance with the Act and this Part.*

*Licensed health care professional - a registered professional nurse, an advanced practice nurse, a physician assistant, and a licensed practical nurse who holds a valid Illinois license under the applicable licensure statute.*

*Licensee - a person, agency, association, corporation, partnership, or organization that has been issued a license to operate an assisted living or shared housing establishment.* (Section 10 of the Act)

Manager - the individual in charge of overseeing the day-to-day operation of the establishment.

Mandatory services - include the following:

3 meals per day available to the residents prepared by the

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED RULES

*establishment or an outside contractor;*

*housekeeping services including, but not limited to, vacuuming, dusting, and cleaning the resident's unit;*

*personal laundry and linen services available to the residents provided or arranged for by the establishment;*

*security provided 24 hours each day including, but not limited to, locked entrances or building or contract security personnel;*

*an emergency communication response system, which is a procedure in place 24 hours each day by which a resident can notify building management, an emergency response vendor, or others able to respond to his or her need for assistance; and*

*assistance with activities of daily living as required by each resident. (Section 10 of the Act)*

Medication administration - refers to a licensed health care professional employed by the establishment engaging in administering routine insulin and vitamins B-12 injections, oral medications, topical treatments, eye and ear drops, or nitroglycerine patches.

*Medication reminders - reminding residents to take pre-dispensed, self administered medication, observing the resident, and documenting whether or not the resident took the medication. (Section 70 of the Act)*

Neglect - a failure by the establishment to provide services, as outlined in the service delivery contract, that results in an avoidable decline in function; a failure to notify the appropriate health care professional that an assessment is necessary in accordance with the service plan; or a failure to terminate the residency of an individual whose needs can no longer be met by the establishment.

*Negotiated risk - the process by which a resident, or his or her representative, may formally negotiate with providers what risks each are willing and unwilling to assume in service provision and the resident's living environment. The provider assures that the resident and the resident's representative, if any, are informed of the risks of these decisions and of the potential consequences of assuming these risks. (Section 10 of the Act)*

Negotiated risk agreement - a binding stipulation, in compliance with Section 295.2070 of this Part, identifying conditions or situations that could put the resident at risk of harm or injury, and indicating the resident's preference for how those conditions or situations are

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED RULES

to be handled.

Nonmedical services - optional services such as transportation; social, educational and religious services; and shopping.

Operator - the person responsible for the control, maintenance and governance of the establishment, its personnel and physical plant.

Optional services - medication reminders, supervision of self-administration and nonmedical services.

Other resident injury - occurs when a resident is alleged to have suffered physical or mental harm and the allegation does not fall within the definition of abuse or neglect.

Owner - the individual, partnership, corporation, association, or other person who owns an assisted living or shared housing establishment. In the event an assisted living or shared housing establishment is operated by a person who leases or manages the physical plant, which is owned by another person, "owner" means the person who operates the assisted living or shared housing establishment, except that if the person who owns the physical plant is an affiliate of the person who operates the assisted living or shared housing establishment and has significant control over the day to day operations of the assisted living or shared housing establishment, the person who owns the physical plant shall incur jointly and severally with the owner all liabilities imposed on an owner under the Act. (Section 10 of the Act)

Person - any individual, partnership, corporation, association, municipality, political subdivision, trust, estate or other legal entity.

Physical restraint - any manual method or physical or mechanical device, material, or equipment attached or adjacent to the resident's body, that the individual cannot remove easily and that restricts freedom of movement or normal access to one's body.

Physician - a person licensed under the Medical Practice Act of 1987 to practice medicine in all of its branches. (Section 10 of the Act)

Residency termination - the relocation or transfer of a resident from an establishment.

Resident - a person residing in an assisted living or shared housing establishment. (Section 10 of the Act)

Resident's representative - a person, other than the owner, agent, or



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED RULES

employee of an establishment or of the health care provider unless related to the resident, designated in writing by a resident to be his or her representative. This designation may be accomplished through the Illinois Power of Attorney Act, pursuant to the guardianship process under the Probate Act of 1975, or pursuant to an executed designation of representative form specified by the Department. (Section 10 of the Act)

Self - the individual or the individual's designated representative. (Section 10 of the Act)

Service plan - a written plan developed and mutually agreed upon by the provider and the resident; which is reviewed annually, or more often as the resident's condition, preferences, or service needs change; and which serves as a basis for the service delivery contract between the provider and the resident. (Section 15 of the Act)

Severe mental illness - a condition that is characterized by the presence of a major mental disorder as classified in the Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition (DSM-IV) (American Psychiatric Association, 1994), where the individual is substantially disabled due to mental illness in the areas of self-maintenance, social functioning, activities of community living and work skills, and the disability specified is expected to be present for a period of not less than one year, but does not mean Alzheimer's disease and other forms of dementia based on organic or physical disorders. (Section 75(a)(6) of the Act)

Shared housing establishment or establishment - a publicly or privately operated free-standing residence for 12 or fewer persons, at least 80% of whom are 55 years of age or older and who are unrelated to the owners and one manager of the residence, where the following are provided:

services consistent with a social model that is based on the premise that the resident's unit is his or her own home;

community-based residential care for persons who need assistance with activities of daily living, including housing and personal, supportive, and intermittent health-related services available 24 hours per day, if needed, to meet the scheduled and unscheduled needs of a resident; and

mandatory services, whether provided directly by the establishment or by another entity arranged for by the establishment, with the consent of the resident or the resident's representative.

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED RULES

Shared housing establishment or establishment does not mean the following:

A home, institution, or similar place operated by the federal government or the State of Illinois.

A long term care establishment licensed under the Nursing Home Care Act. A long term care establishment may, however, convert sections of the establishment to assisted living. If the long term care establishment elects to do so, the establishment shall retain the Certificate of Need for its nursing beds that were converted.

A hospital, sanitarium, or other institution, the principal activity or business of which is the diagnosis, care, and treatment of human illness and that is required to be licensed under the Hospital Licensing Act.

An establishment for child care as defined in the Child Care Act of 1969.

A community living establishment as defined in the Community Living Facilities Licensing Act.

A nursing home or sanitarium operated solely by and for persons who rely exclusively upon treatment by spiritual means through prayer in accordance with the creed or tenets of a well-recognized church or religious denomination.

An establishment licensed by the Department of Human Services as a community-integrated living arrangement as defined in the Community-Integrated Living Arrangements Licensure and Certification Act.

A supportive residence licensed under the Supportive Residences Licensing Act.

A life care establishment as defined in the Life Care Facilities Act; a life care establishment may apply under the Act to convert sections of the community to assisted living.

A free-standing hospice establishment licensed under the Hospice Program Licensing Act.

An assisted living establishment.

A supportive living establishment as described in Section 5-5.01a of the Illinois Public Aid Code. (Section 10 of the Act)

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED RULES

Sheltered care facility - a location licensed as a sheltered care facility under the Nursing Home Care Act.

Significant change in the resident's condition - a change in the resident's condition that would indicate to a reasonable person that current supports and services need to be reevaluated. A significant change is not a temporary change in the individual's health with a predictable course, such as a cold or flu. Establishments shall have policies in place to plan for such temporary changes.

Substantial compliance - meeting requirements, except for unimportant omissions or defects, given the particular circumstances involved.

Substantial failure - the failure to meet requirements, other than unimportant omissions or defects, given the particular circumstances involved.

Sufficient - same as adequate.

*Supervision of self-administered medication - assisting the resident with self-administered medication using any combination of the following: reminding residents to take medication, reading the medication label to residents, checking the self-administered medication dosage against the label of the medication, confirming that residents have obtained and are taking the dosage as prescribed, and documenting in writing that the resident has taken (or refused to take) the medication. If residents are physically unable to open the container, the container may be opened for them. Supervision of self-administered medication shall be under the direction of a licensed health care professional. (Section 70 of the Act)*

*Total assistance - staff or another individual performs the entire activity of daily living without participation by the resident. (Section 10 of the Act)*

Unit - a separate and physically identifiable space that is used for occupancy.

Valid license - a license that is unsuspended, unrevoked, and unexpired.

Violation - a determination that an action or situation contrary to the requirements of the Act or this Part has occurred that creates a condition relating to the operation of the establishment that threatens the health, safety or welfare of a resident or that presents a substantial probability that death or serious mental or physical harm to a resident will result.

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED RULES

## Section 295.300 Incorporated and Referenced Materials

a) The following private and professional association standards are incorporated in this Part.

1) National Fire Protection Association (NFPA) Standard No. 101: Life Safety Code, Chapter 22 (1997), which may be obtained from the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02269.

2) American Psychiatric Association, Diagnostic and Statistical Manual of Mental Disorder, Fourth Edition (DSM-IV) (1994), which may be obtained from the American Psychiatric Association, 1400 K Street, N.W., Washington, D.C. 20005.

b) The following federal guidelines are incorporated in this Part: ADA Accessibility Guidelines (ADAAG), January 1998, which may be obtained from the Access Board, 133 F Street NW, Suite 1000, Washington, D.C. 20004-1111.

c) All incorporations by reference of federal guidelines and the standards of nationally recognized organizations refer to the standards on the date specified and do not include any additions or deletions subsequent to the date specified.

d) The following statutes and State rules are referenced in this Part:

- 1) Federal statutes:
  - 1) Americans with Disabilities Act (Public Law 101-336)
  - 2) State of Illinois statutes:
    - A) Medical Practice Act of 1987 [225 ILCS 60]
    - B) Nursing and Advanced Practice Nursing Act [225 ILCS 65]
    - C) Child Care Act of 1969 [225 ILCS 10]
    - D) Illinois Dental Practice Act [225 ILCS 25]
    - E) Hospital Licensing Act [210 ILCS 85]
    - F) Nursing Home Care Act [210 ILCS 45]
    - G) Probate Act of 1975 [755 ILCS 5]
    - H) Illinois Public Aid Code [305 ILCS 5]
    - I) Illinois Administrative Procedure Act [5 ILCS 100]
    - J) Health Care Worker Background Check Act [225 ILCS 46]
    - K) Criminal Code of 1961 [720 ILCS 5]
    - L) Cannabis Control Act [720 ILCS 550]
    - M) Powers of Attorney for Health Care Law [755 ILCS 45/Art. IV]
    - N) Health Care Surrogate Act [755 ILCS 40]
    - O) Illinois Controlled Substances Act [720 ILCS 570]
    - P) Community-Integrated Living Arrangements Licensure and Certification Act [210 ILCS 135]
    - Q) Hospice Program Licensing Act [210 ILCS 60]
    - R) Freedom of Information Act [5 ILCS 140]
    - S) Alzheimer's Special Care Disclosure Act [210 ILCS 4]
    - T) Home Health Agency Licensing Act [210 ILCS 55]
    - U) Code of Civil Procedure [735 ILCS 5]
    - V) Dietetic and Nutrition Services Practice Act [225 ILCS 30]
    - W) Community Living Facilities Licensing Act [210 ILCS 35]

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED RULES

- X) Supportive Residence Licensing Act [20 ILCS 65]  
 Y) Life Care Facilities Act [210 ILCS 40]
- 3) State of Illinois rules:
- A) Capital Development Board, Illinois Accessibility Code (71 Ill. Adm. Code 400)
- B) Department of Public Health
- i) Control of Communicable Diseases Code (77 Ill. Adm. Code 690)
  - ii) Food Service Sanitation Code (77 Ill. Adm. Code 750)
  - iii) Private Sewage Disposal Code (77 Ill. Adm. Code 905)
  - iv) Drinking Water Systems Code (77 Ill. Adm. Code 900)
  - v) Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100)
  - vi) Public Area Sanitary Practice Code (77 Ill. Adm. Code 895)
  - vii) Control of Tuberculosis Code (77 Ill. Adm. Code 696)

## Section 295.400 License Requirement

- a) No person may establish, operate, maintain, or offer an establishment as an assisted living establishment or shared housing establishment as defined by the Act within this State unless and until he or she obtains a valid license, which remains unsuspended, unrevoked, and unexpired.
- b) An entity that operates as an assisted living or shared housing establishment as defined by the Act without a license shall be subject to the provisions, including penalties, of the Nursing Home Care Act.
- c) No entity shall use in its name or advertise "assisted living" unless licensed as an assisted living establishment under the Act or as a shelter care facility under the Nursing Home Care Act that also meets the definition of an assisted living establishment under this Act, except a shared housing establishment licensed under this Act may advertise assisted living services.
- d) No public official or employee may place any person in, or recommend that any person be placed in, or directly or indirectly cause any person to be placed in, any establishment that is being operated without a valid license. (Section 25 of the Act)

## Section 295.500 Application for License

- a) An applicant shall provide the following information, on forms provided by the Department, to be considered for licensure:
  - 1) The business name, street address, mailing address, and telephone number of the establishment;
  - 2) The name and mailing address of the owner or owners of the establishment and, if the owner or owners are not natural persons, identification of the type of business entity of the owners, and the names and addresses of the officers and members

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED RULES

of the governing body, or comparable persons for partnerships, limited liability companies, or other types of business organizations;

- 3) Financial information, in one of the following forms:
- A) A surety bond in an amount equal to at least three months operating expenses;
  - B) An independent certified public accountant's report certifying the financial viability of the establishment;
  - C) An audited financial report certifying the financial viability of the establishment;
  - D) The entity's most recent bond rating (less than 2 years old) from Fitch's, Moody's, or Standard and Poor's rating agency that documents an "A" rating or better;
  - E) Evidence of operation for at least 2 years as a facility licensed under the Nursing Home Care Act; or
  - F) If the applicant is not able to provide any of the information listed in subsections (a)(3)(A)-(E), the applicant may provide any other information acceptable to the Department that demonstrates financial viability;
- 4) The name and mailing address of the managing agent of the establishment, whether hired under a management agreement or lease agreement, if different from the owner or owners, and the name of the full-time manager;
- 5) Verification that the establishment has entered or will enter into a service delivery contract as provided in Section 295.2030, as required under the Act, with each resident or resident's representative;
- 6) The name and address of at least one natural person who shall be responsible for dealing with the Department on all matters provided for in this Part, on whom personal service of all notices and orders shall be made, and who shall be authorized to accept service on behalf of the owner or owners and the managing agent. Notwithstanding a contrary provision of the Code of Civil Procedure, personal service on the person identified pursuant to this subsection (a)(6) shall be considered service on the owner or owners and the managing agent, and it shall not be a defense to any action that personal service was not made on each individual or entity;
- 7) The signature of the authorized representative of the owner or owners;
- 8) Proof of an ongoing quality improvement program in accordance with Section 295.2060 of this Part;
- 9) Information about the number and types of units, the maximum census, and the mandatory and optional services to be provided at the establishment, proof of compliance with applicable State and local residential standards, and a copy of the standard contract offered to residents;
- 10) Documentation of adequate liability insurance; and (Section 30 of



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED RULES

the Act)

- 11) If the establishment does not have a permit under the Life Care Facilities Act and the establishment requires entrance or application fees in excess of three months' of a resident's minimum fees, the establishment must maintain a bond or restricted account that guarantees the return of the resident's entrance fees and/or the unused portion of his or her deposit if the establishment ceases to operate.
- b) Applications shall be accompanied by a nonrefundable fee of:
  - 1) \$200 for an assisted living establishment and \$5 per unit; or
  - 2) \$100 for a shared housing establishment.
- c) If any of the information in the application changes during the application process, the applicant shall notify the Department, in writing, of those changes. Such written notification will become a part of the application.

**Section 295.600 Issuance of an Initial Regular License**

- a) Upon receipt and review of an application for a license and review of the applicant establishment, the Director may issue a license if he or she finds:
  - 1) That the individual applicant, or the corporation, partnership, or other entity if the applicant is not an individual, is a person responsible and suitable to operate or to direct or participate in the operation of an establishment by virtue of financial capacity, appropriate business or professional experience, a record of lawful compliance with lawful orders of the Department and lack of revocation of a license issued under the Act or the Nursing Home Care Act during the previous five years;
  - 2) That the establishment is under the supervision of a full-time manager who meets the requirements of Section 295.3010 of this Part;
  - 3) That the establishment has staff sufficient in number with qualifications, adequate skills, education, and experience to meet the 24 hour scheduled and unscheduled needs of residents and who participate in ongoing training to serve the resident population and that the establishment meets the staffing requirements in Section 295.4070 of this Part if Alzheimer's or dementia programs are offered;
  - 4) That direct care staff meet the requirements of the Health Care Worker Background Check Act;
  - 5) That the applicant is in substantial compliance with the Act and this Part;
  - 6) That the applicant pays all required fees; and
  - 7) That, if the applicant establishment offers, advertises or markets to provide specialized services for individuals with Alzheimer's disease and related dementias through an Alzheimer's

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED RULES

- special care unit or center, the applicant has provided an accurate disclosure document to the Department in accordance with the Alzheimer's Special Care Disclosure Act.
- b) The Department shall issue a regular license within 120 days after receipt of an application that meets the requirements of this Section. This time frame may be extended during the period from January 1, 2001 to January 1, 2002.
- c) The license shall state the number of resident units and physical location of the establishment, the date the license was issued, and the expiration date of the license.
- d) All regular licenses shall be valid for one year.
- e) Each license shall be issued only for the premises and persons named in the application, and shall not be transferable or assignable. (Section 35 of the Act)
- f) After the license is issued, the licensee shall advise the Department within 30 days after any changes in the information required in Section 295.500(a)(1), (2), (4), (6), (9), or (10) of this Part.
- g) The license shall be posted in public view in the establishment.

**Section 295.700 Issuance of a Renewal License**

- a) At least 120 days, but not more than 150 days, prior to license expiration, the licensee shall submit an application for renewal of the license, in such form and containing such information as the Department requires. The application shall be accompanied by the fee prescribed in Section 295.500. If the application is approved and the establishment is in substantial compliance with all other licensure requirements, the license shall be renewed for an additional one-year period.
- b) If the application for renewal is not timely filed in accordance with subsection (a) of this Section, the Department shall so inform the licensee.
- c) If appropriate, the renewal application shall not be approved unless the applicant has provided to the Department an accurate disclosure document in accordance with the Alzheimer's Special Care Disclosure Act and Section 295.900 of this Part. (Section 45 of the Act)

**Section 295.800 Probationary License**

- a) The Department may issue a probationary license within 90 days after receipt of a completed application for a regular license. Circumstances in which a probationary license shall be issued include, but are not limited to:
  - 1) Initial probationary license:
    - A) The applicant has not been previously licensed under the Act;
    - B) The establishment is not in operation at the time the application is made; (Section 40 of the Act)

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED RULES

- C) The applicant is a sheltered care, intermediate care, or skilled care facility converting beds to assisted living;
- D) *Ownership of an establishment is transferred from the person named in the license to any other person.* (Section 50 of the Act)
- 2) Conditional probationary license:
- a) Outstanding violations have not been remedied.
- b) A probationary license shall be valid for 120 days unless sooner suspended or revoked in accordance with Section 295.1010 of this Part.
- c) Within 30 days prior to the termination of a probationary license, the Department shall fully and completely review the establishment and, if the establishment meets the applicable requirements for licensure as set forth in the Act and this Part, shall issue a regular license.
- d) If the Department finds that the establishment does not meet the requirements for licensure but has made substantial progress toward meeting those requirements, the license may be renewed once for a period not to exceed 120 days from the expiration date of the initial probationary license. (Section 40 of the Act)

**Section 295.900 Alzheimer's Special Care Disclosure**

An establishment that offers, advertises or markets to provide care for persons with Alzheimer's disease through an Alzheimer's special care unit or center shall disclose to the Department or to a potential or actual client of the establishment the following information in writing on request of the Department or client:

- a) The form of care or treatment that distinguishes the establishment as suitable for persons with Alzheimer's disease;
- b) The philosophy of the establishment concerning the care or treatment of persons with Alzheimer's disease;
- c) The establishment's pre-admission, admission, and residency termination procedures;
- d) The establishment's assessment, care planning, and implementation guidelines in the care and treatment of persons with Alzheimer's disease;
- e) The establishment's minimum and maximum staffing ratios, specifying the general licensed health care provider to resident ratio and the trainee health care provider to client ratio;
- f) The establishment's physical environment;
- g) Activities available to residents at the establishment;
- h) The role of family members in the care of residents at the establishment; and
- i) The costs of care and treatment under the program or at the center. (Section 15 of the Alzheimer's Special Care Disclosure Act)

**Section 295.1000 Denial of a License**

- a) An application for a license may be denied for any of the following

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED RULES

## reasons:

- 1) Failure to meet any of the standards set forth in the Act;
- 2) Failure to be in substantial compliance with this Part;
- 3) Conviction of the applicant, or if the applicant is a firm, partnership, or association, of any of its members, or if a corporation, the conviction of the corporation or any of its officers or stockholders, or of the person designated to manage or supervise the establishment, of a felony or of two or more misdemeanors involving moral turpitude during the previous five years as shown by a certified copy of the record of the court of conviction;
- 4) Personnel insufficient in number or unqualified by training or experience to properly care for the residents;
- 5) Insufficient financial or other resources to operate and conduct the establishment in accordance with this Part;
- 6) Revocation of a license in Illinois during the previous five years, if such prior license was issued to the individual applicant, a controlling owner or controlling combination of owners of the applicant; or any affiliate of the individual applicant or controlling owner of the applicant and such individual applicant, controlling owner of the applicant or affiliate of the applicant was a controlling owner of the prior license; provided, however, that the denial of an application for a license pursuant to this Section must be supported by evidence that the prior revocation renders the applicant unqualified or incapable of meeting or maintaining an establishment in accordance with this Part;
- 7) The establishment is not under the direct supervision of a full-time manager; or (Section 55 of the Act)
- 8) Refusal to permit entry or review of the establishment by any authorized officer, employee or agent of the Department. (Section 120 of the Act)
- b) Immediately upon the denial of any application or reapplication for a license under the Act, the Department shall notify the applicant in writing. Notice of denial shall include a clear and concise statement of the violations of the Act on which the denial is based and notice of the opportunity for a hearing.
- c) If the applicant or licensee wishes to contest the denial of a license, it shall provide written notice to the Department of a request for a hearing within 10 days after receipt of the notice of denial.
- d) Upon the receipt of a request in writing for a hearing, the Director or a person designated in writing by the Director to act as a hearing officer shall conduct a hearing to review the decision. The hearing shall begin within 30 days after the receipt of request for hearing and shall be conducted in accordance with Section 60 of the Act and the Department's Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100). (Section 60 of the Act)

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED RULES

- e) The Department may refuse to issue a license to any person who fails to file a return, or to pay the tax, penalty or interest shown in a filed return, or to pay any final assessment of tax, penalty or interest, as required by any tax Act administered by the Illinois Department of Revenue, until such time as the requirements of any such tax Act are satisfied. (Section 65(e) of the Act)

**Section 295.1010 Revocation, Suspension, or Refusal to Renew a License**

- a) The Department, after notice to the applicant or licensee, may suspend, revoke, or refuse to renew a license in any case in which the Department finds any of the following:
- 1) That there has been a substantial failure to comply with the Act or this Part;
  - 2) That there has been a conviction of the licensee, or of the person designated to manage or supervise the establishment, of a felony or of two or more misdemeanors involving moral turpitude during the previous five years as shown by a certified copy of the record of the court of conviction;
  - 3) That the personnel are insufficient in number or unqualified by training or experience to properly care for the number and type of residents served by the establishment;
  - 4) That the financial or other resources are insufficient to conduct and operate the establishment in accordance with this Part; or
  - 5) That the establishment is not under the direct supervision of a full-time manager. (Section 65(a) of the Act)
- b) Notice under this Section shall include a clear and concise statement of the violations on which the suspension, nonrenewal or revocation is based, the statute or rule violated, and notice of the opportunity for a hearing under Section 60 of the Act. (Section 65(b) of the Act)
- c) If an establishment desires to contest the suspension, nonrenewal or revocation of a license, the establishment shall, within 10 days after receipt of notice under subsection (b) of this Section, notify the Department in writing of its request for a hearing under Section 60 of the Act.
- d) Upon receipt of the request the Department shall send notice to the establishment and hold a hearing as provided under Section 60 of the Act. (Section 65(c) of the Act)
- e) The effective date of suspension, nonrenewal or revocation of a license by the Department shall be as provided in Section 65(d) of the Act. (Section 65 of the Act)
- f) The Department may refuse to issue or may suspend the license of any person who fails to file a return, or to pay the tax, penalty or interest shown in a filed return, or to pay any final assessment of tax, penalty or interest, as required by any tax Act administered by the Illinois Department of Revenue, until such time as the requirements of any such tax Act are satisfied. (Section 65(e) of the Act)

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED RULES

- g) Pursuant to Section 10-65 of the Illinois Administrative Procedure Act, licensees who are individuals are subject to revocation or denial of renewal of licensure if the individual is more than 30 days delinquent in complying with a child support order.
- h) The Department may extend the effective date of license revocation, suspension or expiration if necessary to permit relocation of residents.

**Section 295.1020 Transfer of Ownership**

- a) An establishment license is not transferable or applicable to any location, establishment, management agent or ownership other than that indicated on the application and license.
- b) *Whenever ownership of an establishment is transferred from the person named in the license to any other person, the transferee must obtain a new probationary license. The transferee shall notify the Department of the transfer and apply for a new license at least 30 days prior to final transfer.* (Section 50(a) of the Act)
- c) *The transferor shall notify the Department at least 30 days prior to final transfer. The transferor shall remain responsible for the operation of the establishment until such time as a probationary license is issued to the transferee.* (Section 50(b) of the Act)
- d) The transferor shall remain liable for all penalties assessed against the establishment that are imposed for violations occurring prior to transfer of the license. The license granted to the transferee shall be subject to any agreements made by the previous owner and approved by the Department to remedy the violation. If there are outstanding violations that have not been remedied, the Department may require that the violations be corrected prior to the issuance of a license.
- e) The residents shall be informed of any transfer of ownership of the establishment.

**Section 295.1030 Information to Be Made Available to the Resident by the Licensee**

- a) Each establishment shall provide a resident or representative with the following information at the time the resident is accepted into the establishment:
- 1) A copy of current resident policies or a resident handbook;
  - 2) Whether each unit has independent heating controls and their location;
  - 3) The establishment's policy concerning response to emergency situations.
- b) The current telephone numbers for:
- 1) The Illinois Department of Public Health's Office of Health Care Regulation and Assisted Living Complaint Registry;
  - 2) The Illinois Department on Aging Senior Helpline;
  - 3) The Department on Aging Long-Term Care Ombudsman; and



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED RULES

- 4) 911 or other local emergency response.
- c) The establishment's license issued under the Act and this Part shall be posted in public view in the facility.
- d) The establishment shall provide the results of the most recent Department survey and any plan of correction currently in effect.

#### Section 295.1040 Information to Be Made Available to the Public by the Department

- a) Individuals may request information from the Department concerning an establishment by submitting a written request to the Department and paying reasonable copying fees for documents in excess of 20 pages. Such information may include, but is not limited to:
  - 1) *Ownership*,
  - 2) *Licensure status*,
  - 3) *Frequency of complaints*,
  - 4) *Disposition of substantiated complaints*, and
  - 5) *Disciplinary actions*. (Section 110(f) of the Act)
- b) Other information shall be available from the Department through the Freedom of Information Act.

#### Section 295.1050 Technical Infractions

- a) A technical infraction is a situation in which the establishment's failure to meet a requirement of this Part does not result in harm and does not have a significant negative impact on the delivery of services to residents.
- b) The establishment shall be required to correct a technical infraction, but no fine, violation, or sanction shall be imposed.
- c) Nothing in this Part limits a resident's ability to direct his or her own care and negotiate the terms of his or her care. If an establishment has provided the services consistent with the resident's service plan, including any negotiated risks, no technical infraction may be cited.

#### Section 295.1060 Violations

- a) For the purpose of this Section, the following definitions apply:
  - 1) Potential violation - a situation that does not have an immediate negative impact on a resident.
  - 2) Violation - a situation in which the requirements of this Part are not met due to the conduct of the establishment or its staff, either by an improper action or the failure to take an action. A violation can only be based upon the licensee's improper conduct.
    - A) Minor violation - an act or failure to act on the part of the establishment or its staff, except by accidental means, that causes a significant negative impact on the delivery of services to the residents of the establishment. The

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED RULES

establishment shall be required to participate in a consultative review with the Department unless the establishment has taken corrective action within a time frame agreed upon between the Department and the establishment.

- B) Serious violation - an act or failure to act, except by accidental means, that causes harm to a resident.
- C) Egregious violation - an act or omission by the establishment or its staff that causes severe harm or the death of a resident.
- b) When the Department identifies a potential violation during an on-site inspection, it shall engage the licensee in a consultative discussion. If the establishment resolves the potential violation prior to the end of the on-site inspection, no violation shall be deemed to exist, and no violation shall be reported. The Department may make recommendations to the establishment regarding methods of addressing the potential violation.
- c) Nothing in this Part limits a resident's ability to direct his or her own care and negotiate the terms of his or her care. If an establishment has provided the services consistent with the resident's service plan, including any negotiated risks, no violation may be cited.

#### Section 295.1070 Remedies and Sanctions

- a) The Department shall impose the following remedies and sanctions upon an establishment that is found to have committed a violation under the following circumstances:
  - 1) Consultative visit - possible for all violations. Failure to meet the requirements after the consultative visit may result in a higher sanction. A consultative visit is a remedy, not a sanction.
  - 2) Plan of correction or statement of corrections - shall be required for all levels of violation, either offered by the establishment or imposed by the Department.
  - 3) Administrative warning - may be imposed for any violation.
  - 4) Mandatory training - may be required of establishment staff for any violation.
  - 5) Imposed plan of correction - may be imposed for violations and repeat violations after the establishment fails to carry out its own corrective plan or the establishment's plan fails to address the issue. The Department may impose an immediate plan of correction in an egregious situation.
  - 6) Fine - may be imposed up to \$2000 for egregious violations. Fines for repeat violations shall be imposed as follows:
    - A) The Department may impose a fine of up to \$1000 on any provider that has similar serious violations at a subsequent on-site inspection.



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED RULES

B) The Department shall impose a fine of up to \$5000 on any provider that has a similar egregious violation or when the Director determines that a serious and immediate threat exists.

7) Revocation of license - may occur when all other remedies have been progressively applied and the establishment has not achieved compliance.

b) Violations, remedies and sanctions shall be evaluated and imposed on the basis of:

- 1) Gravity of the violation;
- 2) Severity of the violation;
- 3) Pattern of occurrences of the same or similar violations; and
- 4) History of compliance with the Act and this Part.

c) If the establishment meets the provisions of a resident's service plan, it shall be deemed an absolute defense to the citation of a violation.

d) Nothing in this Part limits a resident's ability to direct his or her own care and to negotiate the terms of his or her own care. If an establishment has provided the services consistent with the resident's service plan, including any negotiated risks, no technical infraction or violation may be cited.

e) Beginning 180 days after June 1, 2001, an unlicensed assisted living or shared housing establishment or an entity that violates Section 395.400(a), (b) or (c) shall be fined \$1,000 per day for each day that the violation continues. The entity will also be referred to the Department's Bureau of Long-Term Care for review and possible referral to the Office of the Attorney General. The Department may extend the 180-day time period to accommodate the initial processing of applications.

f) Any licensee preventing the Department from carrying out its duties under this Section shall have its license revoked and be subject to a fine of not more than \$250 per day.

g) Any establishment caring for a resident whose care needs exceed those authorized under the Act shall be fined \$500 for the first violation and \$1,000 for each subsequent violation. The establishment shall not be found in violation in an emergency or if the establishment has initiated involuntary discharge proceedings or is actively attempting to find placement for a resident in an alternative care setting. An establishment shall be deemed to be "actively attempting" to find alternative placement if the following occurs:

- 1) The establishment is assisting the resident in finding alternative placement; and
  - 2) A reasonable relocation plan is in place, including a time frame and provision of services in the interim.
- h) An establishment that fails to conduct a health care worker background check as required by Section 295.3040 shall be fined \$100 for the first offense and \$500 for subsequent offenses in a two-year period.

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED RULES

## Section 295.1080 Annual On-Site Review and Complaint Investigation Procedures

a) The purpose of the annual on-site review shall be to ensure establishments' compliance with this Part and to assist the licensee in meeting the requirements of this part and providing quality services to the consumer. The visit shall focus on solving resident issues and concerns, and the quality improvement process implemented by the establishment to address resident issues. (Section 30(a) of the Act) The on-site review shall be conducted in a collaborative manner, with the Department and the establishment focused on meeting the needs of the residents.

b) The Department shall conduct an annual unannounced on-site visit at each assisted living and shared housing establishment to determine compliance with the applicable licensure requirements and standards, as set forth in the Act and this Part. Additional visits may be conducted without prior notice to the assisted living or shared housing establishment. (Section 110(a) of the Act)

c) The review shall address the following issues:

- 1) Assessment, service plan and services provided to ensure that resident needs are met;
  - 2) Staff sufficient in numbers and with appropriate skill to provide services required by the resident population, in compliance with the Health Care Worker Background Check Act;
  - 3) Compliance with service delivery contracts and lease agreements;
  - 4) Grievance procedures;
  - 5) Service plan, negotiated risk, and protection of individual rights and resident's involvement in directing his or her own care;
  - 6) Quality improvement policies and procedures to determine whether an effective procedure is in place. Quality improvement policies shall not be used as the sole criterion for issuance of a violation;
  - 7) Whether an annual resident satisfaction survey has been conducted;
  - 8) Compliance with physical plant, health and sanitation, and food preparation requirements as set forth in this Part; and
  - 9) Any complaints not reviewed through an on-site review.
- d) An establishment shall not restrict or hamper access by Department staff to the building, residents or designated records required to conduct routine or periodic review or investigations. A resident may limit access to his or her private dwelling space to reviewers, except if suspected violations exist that may pose a threat to the resident's or others' health, safety or well-being. A resident may also elect to limit access to himself or herself and his or her records, except as required as a condition of payment for publicly funded housing and/or services.
- e) When the Department identifies a potential violation during an on-site inspection, the Department representative shall engage the

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED RULES

establishment staff in a consultative discussion. If the establishment resolves the potential violation prior to the end of the on-site inspection, no violation shall be deemed to exist and no violation shall be reported. The Department may recommend methods of addressing the potential violation.

f) Prior to concluding the on-site inspection, the Department representative shall meet with the manager regarding any identified potential violations. The Department shall allow the establishment an opportunity to discuss the potential violation and to present any evidence that indicates that the violation did not exist or evidence related to the level of the violation.

g) The Department shall provide the establishment with a written statement of findings and violations within no more than 15 days after conclusion of the on-site review.

h) The establishment shall file a statement of correction within 15 days after receipt of the statement of findings and violations. The statement of correction may be in letter form and shall describe the action taken by the establishment to address the violation. The establishment may also submit a statement of dispute regarding any of the alleged violations within 15 days. The Department shall review all statements of dispute submitted prior to making its final determination that a violation exists or of the level of the violation. If the Department does not make a change to the statement of violations based upon the statement of dispute, it shall provide a brief justification of its determination in writing.

i) The notice of findings shall include the reason for the determination and a statement of the right to appeal the determination pursuant to the Department's Rules of Practice and Procedure in Administrative Hearings.

**Section 295.1090 Waivers**

a) The Department may grant a waiver from this Part at the time of the on-site review if the licensee or applicant can demonstrate that an alternative is available to ensure the residents' health, safety, and welfare.

b) An applicant or licensee shall submit a written request for a waiver on a Department-provided form that includes:

- 1) The applicant's or licensee's name;
- 2) The name, address, and license number, if applicable, of the assisted living or shared housing establishment;
- 3) The specific Section of this Part for which the applicant is requesting a waiver;
- 4) The reason or reasons why an applicant is not able to comply with the requirement; and
- 5) An alternative that ensures that the health, safety, and welfare of residents are protected.

c) The Department shall evaluate a request for a waiver as follows:

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED RULES

- 1) Review the written request;
- 2) Verify the submitted documentation;
- 3) If the requested waiver involves a physical plant requirement, inspect the establishment; and
- 4) If applicable, discuss the waiver with the establishment's manager or manager's designee, residents or representatives, or any individual the Department determines is necessary to evaluate the request.

d) If the Department issues a waiver, the Department shall provide a written notice to the applicant or licensee within 90 days after receipt of the request for a waiver.

e) The Department shall issue a notice of denial within 90 days if the Department determines that the proposed alternative does not ensure that the health, safety and welfare of the residents are protected.

f) The Department shall withdraw a waiver if:

- 1) A licensee does not comply with the conditions of the waiver as approved by the Department;
- 2) The Department determines that the health, safety, or welfare of residents is not protected by the waiver;
- 3) The condition of the physical plant has deteriorated or its use substantially changed so that the basis upon which the waiver was issued is materially different; or
- 4) The establishment is renovated or remodeled in such a way as to permit compliance without substantial increase in cost.

**Section 295.1100 Complaints**

a) Complaints may be submitted either in writing, by telephone or by other electronic means to the Assisted Living Complaint Registry.

b) The Department shall conduct an onsite investigation (see Section 295.1080) of all complaints alleging abuse or neglect within seven days after the receipt of the complaint, except that complaints of abuse or neglect that indicate that a resident's life or safety is in imminent danger shall be investigated within 24 hours after receipt of the complaint.

c) The Department may address those complaints that do not require an on-site review through record review and/or telephone interviews.

d) At the initiation of a complaint investigation, the Department shall inform the establishment that a complaint has been filed and of the specific nature of the complaint.

e) The Department shall review and consider any information submitted by the establishment in response to an investigation.

f) The Department shall determine whether the Act or this Part has been violated and shall inform the complainant and the establishment of its findings in writing within 20 days after its determination. The Department's findings may include documentation provided by either the complainant or the licensee pertaining to the complaint. The notice of such findings shall include the reason for the determination and a

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED RULES

statement of the right to appeal pursuant to the Department's Rules of Practice and Procedure in Administrative Hearings.

- g) The Department shall conduct an on-site review and evaluation of an assisted living or shared housing establishment found to be in violation of the Act within a specified period of time based on the gravity and severity of the violation and any pervasive pattern of occurrences of the same or similar violations. (Section 110(c) of the Act)

## SUBPART B: POLICIES

## Section 295.2000 Residency Requirements

- a) No individual shall be accepted for residency or remain in residence if the establishment cannot provide or secure appropriate services, if the individual requires a level of service or type of service for which the establishment is not licensed or which the establishment does not provide, or if the establishment does not have the staff appropriate in numbers and with appropriate skill to provide such services. (Section 75(a) of the Act)
- b) Only adults may be accepted for residency. (Section 75(b) of the Act)
- c) A person shall not be accepted for residency if:
  - 1) The person poses a serious threat to himself or herself or to others;
  - 2) The person is not able to communicate, verbally or through nonverbal means, his or her needs and no resident representative residing in the establishment, and with a prior relationship to the person, has been appointed to direct the provision of services;
  - 3) The person requires total assistance with 2 or more activities of daily living;
  - 4) The person requires the assistance of more than one paid caregiver at any given time with an activity of daily living;
  - 5) The person requires more than minimal assistance in moving to a safe area in an emergency;
  - 6) The person has a severe mental illness, which for the purposes of this Section means a condition that is characterized by the presence of a major mental disorder as classified in the Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition (DSM-IV), where the individual is substantially disabled due to mental illness in the areas of self-maintenance, social functioning, activities of community living and work skills, and the disability specified is expected to be present for a period of not less than one year, but does not mean Alzheimer's disease and other forms of dementia based on organic or physical disorders;
  - 7) The person requires intravenous therapy or intravenous feedings unless self-administered or administered by a qualified, licensed

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED RULES

health care professional;  
 8) The person requires gastrostomy feedings unless self-administered or administered by a licensed health care professional;

- 9) The person requires insertion, sterile irrigation, and replacement of catheter, except for routine maintenance of urinary catheters, unless the catheter care is self-administered or administered by a licensed health care professional;

10) The person requires sterile wound care unless care is self-administered or administered by a licensed health care professional;

11) The person requires sliding scale insulin administration unless self-performed or administered by a licensed health care professional;

12) The person is a diabetic requiring routine insulin injections unless the injections are self-administered or administered by a licensed health care professional;

13) The person requires treatment of stage 3 or stage 4 decubitus ulcers or exfoliate dermatitis; or

14) The person requires 5 or more skilled nursing visits per week for conditions other than those listed in subsection (c)(13) for a period of 3 consecutive weeks or more except when the course of treatment is expected to extend beyond a 3 week period for rehabilitative purposes and is certified as temporary by a physician. (Section 75(c) of the Act)

d) A resident with a condition listed in subsection (c) shall have his or her residency terminated in accordance with Section 295.2010. (Section 75(d) of the Act)

e) Residency shall be terminated in accordance with Section 295.2010 of this Part when services available to the resident in the establishment are no longer adequate to meet the needs of the resident. This provision shall not be interpreted as limiting the authority of the Department to require the residency termination of individuals. (Section 75(e) of the Act)

f) Subsection (d) of this Section shall not apply to terminally ill residents who receive or would qualify for hospice care coordinated by a hospice licensed under the Hospice Program Licensing Act or other licensed health care professional employed by a licensed home health agency and the establishment and all parties agree to the continued residency. (Section 75(f) of the Act)

g) Subsections (c)(3), (4), (5) and (9) shall not apply to individuals who are quadriplegic or paraplegic, or individuals with neuro-muscular diseases, such as muscular dystrophy and multiple sclerosis, or other chronic diseases and conditions if the individual is able to communicate his or her needs and does not require assistance with complex medical problems, and the establishment is able to accommodate the individual's needs. (Section 75(g) of the Act)

h) For the purposes of subsections (c)(7) through (11), a licensed health care professional may not be employed by the owner or operator



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED RULES

of the establishment, its parent entity, or any other entity with ownership common to either the owner or operator of the establishment or parent entity, including but not limited to an affiliate of the owner or operator of the establishment. Nothing in this Section is meant to limit a resident's right to choose his or her health care provider. (Section 75(h) of the Act)

**Section 295.2010 Termination of Residency**

a) Residency shall be involuntarily terminated only for the following reasons:

- 1) as provided in Section 75 of the Act and Section 295.2000 (Residency Requirements) of this Part;
  - 2) nonpayment of contracted charges after the resident and the resident's representative have received a minimum of 30 days written notice of the delinquency and the resident or the resident's representative has had at least 15 days to cure the delinquency; or
  - 3) failure to execute a service delivery contract or to substantially comply with its terms and conditions, failure to comply with the assessment requirements contained in Section 15 of the Act, or failure to substantially comply with the terms and conditions of the lease agreement. (Section 80(a) of the Act)
- b) A 30 day written notice of residency termination shall be provided to the resident, the resident's representative, or both, and the ombudsman. (Section 80(b) of the Act)
- c) The notice shall be on a form prescribed by the Department and shall contain all of the following:

- 1) The stated reason for the proposed transfer or residency termination;
  - 2) The effective date of the proposed transfer or residency termination;
  - 3) A statement of the resident's right to appeal;
  - 4) The steps that the resident or the resident's representative must take to initiate an appeal;
  - 5) A statement of the resident's right to continue to reside in the establishment until a decision is rendered;
  - 6) A toll free telephone number to initiate an appeal;
  - 7) A written hearing request form, together with a postage paid, pre-addressed envelope to the Department; and (Section 80(b) of the Act)
  - 8) The name, address, and telephone number of the person charged with the responsibility of supervising the transfer or residency termination.
- d) If the resident or the resident's representative, if any, cannot read English, the notice must be provided in a language the individual receiving the notice can read or the establishment must provide a translator who has been trained to assist the resident or the

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED RULES

resident's representative in the appeal process. (Section 80(b) of the Act)

e) In emergency situations, the 30-day provision of the written notice may be waived. (Section 80(b) of the Act) An establishment may terminate residency with fewer than 30 days written notice if:

- 1) imminent danger of death or serious physical harm to a resident of an establishment exists; (Section 10 of the Act)
  - 2) The resident poses a threat to himself or others. (Section 95(14) of the Act)
- f) The establishment shall attempt to resolve with the resident or the resident's representative, if any, circumstances that if not remedied have the potential of resulting in an involuntary termination of residency and shall document those efforts in the resident's file. This action may occur prior to or during the 30 day notice period, but must occur prior to the termination of the residency. In emergency situations, the requirements of this subsection may be waived. (Section 80(c) of the Act)
- g) A request for a hearing shall stay an involuntary termination of residency until a decision has been rendered by the Department in accordance with the Department's Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100), except as otherwise provided in this Part. During this time period, the establishment may not terminate or reduce any service for the purpose of making it more difficult or impossible for the resident to remain in the establishment. (Section 80(d) of the Act)
- h) The only issues to be considered at the involuntary termination of residency hearing are whether one or more of the statutory reasons exist for involuntary termination; whether the establishment has followed the proper involuntary termination procedures; and whether the establishment has attempted to resolve the circumstances leading to an involuntary termination.
- i) The establishment shall offer the resident and the resident's representative, if any, residency termination and relocation assistance including information on available alternative placement. Residents shall be involved in planning the move and shall choose among the available alternative placements except when an emergency situation makes prior resident involvement impossible. Emergency placements are deemed temporary until the resident's input can be sought in the final placement decision. No resident shall be forced to remain in a temporary or permanent placement. (Section 80(e) of the Act)
- j) The Department may offer assistance to the establishment and the resident in the preparation of residency termination and relocation plans to assure safe and orderly transition and to protect the resident's health, safety, welfare, and rights. In nonemergencies, and where possible in emergencies, the transition plan shall be designed and implemented in advance of transfer or residency termination. (Section 80(f) of the Act)



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED RULES

**Section 295.2020 Notice of Closure**

- a) An owner of an establishment shall give 90 days notice prior to voluntarily closing the establishment or prior to closing any part of the establishment if closing the part will require residency termination. The notice shall be given to:
- 1) The Department;
  - 2) Any resident who must have his/her residency terminated;
  - 3) The resident's representative; and
  - 4) A member of the resident's family, where practicable.
- b) The notice shall state the proposed date of closing and the reason for closing.
- c) The establishment shall offer to assist the resident in securing alternative placement and shall advise the resident on available alternatives. Where the resident is unable to choose an alternative placement and is not under guardianship, the Department shall be notified of the need for relocation assistance. The establishment shall comply with all applicable laws and this part until the date of closing, including those related to residency termination. (Section 100 of the Act)

**Section 295.2030 Establishment Contracts**

- a) A contract between an establishment and a resident must be entitled "assisted living establishment contract" or "shared housing establishment contract" as applicable, shall be printed in no less than 12 point type, and shall include at least the following elements in the body or through supporting documents or attachments:
- 1) The name, street address, and mailing address of the establishment;
  - 2) The name and mailing address of the owner or owners of the establishment and, if the owner or owners are not natural persons, the type of business entity of the owner or owners;
  - 3) The name and mailing address of the managing agent of the establishment, whether hired under a management agreement or lease agreement, if the managing agent is different from the owner or owners;
  - 4) The name and address of at least one natural person who is authorized to accept service on behalf of the owners and managing agent;
  - 5) A statement describing the assisted living or shared housing establishment license status of the establishment and the license status of all providers of health-related or supportive services to a resident under arrangement with the establishment;
  - 6) The duration of the contract;
  - 7) The base rate to be paid by the resident and a description of the services to be provided as part of this rate;
  - 8) A description of any additional services to be provided for an

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED RULES

- additional fee by the establishment directly or by a third party provider under arrangement with the establishment;
- 9) The fee schedules outlining the cost of any additional services;
  - 10) A description of the process through which the contract may be modified, amended, or terminated;
  - 11) A description of the establishment's complaint resolution process available to residents and notice of the availability of the Department on Aging's Senior Helpline for complaints;
  - 12) The name of the resident's designated representative, if any;
  - 13) The resident's obligations in order to maintain residency and receive services, including compliance with all assessments required under Section 15 of the Act;
  - 14) The billing and payment procedures and requirements;
  - 15) A statement affirming the resident's freedom to receive services from service providers with whom the establishment does not have a contractual arrangement, which may also disclaim liability on the part of the establishment for those services;
  - 16) A statement that medical assistance under Article V or Article VI of the Illinois Public Aid Code is not available for payment for services provided in an establishment;
  - 17) A statement detailing the admission, risk management, and residency termination criteria and procedures as set forth in the Act and this Part;
  - 18) A statement listing the rights specified in Section 95 of the Act and acknowledgment that, by contracting with the assisted living or shared housing establishment, the resident does not forfeit those rights; and
  - 19) A statement provided by the Department detailing the Department's annual on-site review process, including what documents contained in the resident's personal file shall be reviewed by the on-site reviewer. (Section 90 of the Act)
- b) The establishment contract shall also include:
- 1) Terms of occupancy, including resident responsibilities and obligations;
  - 2) The amount and purpose of any fee, charge, and deposit, including any fee or charge for any days a resident is absent from the establishment;
  - 3) The establishment's policy for refunding fees, charges, or deposits;
  - 4) The establishment's responsibility to provide at least 30 days written notice before the effective date of any change in a fee or charge. A licensee is not required to provide 30 days written notice of increase to a resident whose service needs change, as documented in the resident's service plan; and
  - 5) The establishment's policy concerning notification of a third party.
- c) A copy of the establishment contract shall be given to the resident or the resident's representative.

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED RULES

- d) A service delivery contract that has been signed shall be maintained on the premises throughout the resident's residency at the establishment.
- e) Service delivery contracts may be automatically renewed from year to year. Any modifications to the contract shall be made in writing and signed by both parties.
- f) The contract may be terminated immediately at any time upon agreement of the parties.

**Section 295.2040 Disaster Preparedness**

- a) For the purpose of this Section, "disaster" means an occurrence, as a result of a natural force or mechanical failure such as water, wind or fire, or a lack of essential resources such as electrical power, that poses a threat to the safety and welfare of residents, personnel, and others present in the establishment.

- b) Each establishment shall:

- 1) Develop disaster preparedness policies, including a written plan for staff, residents and others to follow. The policies shall address:

- A) The physical and cognitive needs of residents; and
- B) Power outages.

- 2) Instruct all personnel employed on the premises in the use of fire extinguishers.

- 3) Post a diagram of the evacuation route and ensure that all personnel employed on the premises are aware of the route.

- 4) Ensure that there is a means of notification to the establishment when the National Weather Service issues a tornado or severe thunderstorm warning covering the area in which the establishment is located. The notification mechanism must be other than commercial radio or television. Notification measures include being within range of local tornado warning sirens, an operable National Oceanic and Atmospheric Administration weather radio in the establishment, or arrangements with local public safety agencies (police, fire, ESDA) to be notified if a warning is issued.

- 5) Develop a written plan for moving residents to safe locations within the establishment in the event of a tornado warning issued by the National Weather Service.

- 6) Develop a written plan for temporarily relocating the residents for any disaster requiring relocation and any time the temperature in residents' bedrooms falls below 55°F for 12 hours or more as a result of a mechanical problem or loss of power in the establishment.

- 7) If on a flood plain, develop a written flood plan.

- 8) Orient each resident to the emergency and evacuation plans within 10 days after the resident's arrival. Orientation shall include assisting residents in identifying and using emergency exits.

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED RULES

Documentation of the orientation shall be signed and dated by the resident or the resident's representative.

- c) At least six fire drills shall be conducted per year. Two of the fire drills shall be during the third shift. Drills shall be held under varied conditions to:

- 1) Ensure that all personnel on all shifts are trained to perform assigned tasks;
- 2) Ensure that all personnel on all shifts are familiar with the use of the fire fighting equipment in the facility;
- 3) Evaluate the effectiveness of disaster plans, procedures and training.

- d) The establishment shall conduct an employee tornado drill on each shift within 30 days prior to March 1 of each year.

- e) Resident disaster drills shall be held at least once every six months and shall include residents, establishment personnel, and other persons in the establishment.

- f) A disaster drill shall include making a general announcement throughout the establishment that a resident emergency drill is being conducted or sounding an emergency alarm.

- g) At least one disaster drill each year shall include simulation of evacuation of residents to safe areas. Where the welfare of the residents precludes an actual evacuation of an entire building, there must be drills involving the evacuation of successive portions of the building under such conditions as to assure the capability of evacuating the entire building with the personnel usually available, should the need arise.

- h) A written evaluation of each drill shall be submitted to the establishment manager and shall be maintained for one year from the date of the drill. The evaluation shall include the date and time of the drill, signatures of employees participating in the drill, and identification of residents needing assistance for evacuation.

- i) Reporting Disasters

- 1) Upon the occurrence of any disaster requiring hospital service, police, fire department or coroner, the establishment manager or designee must provide a preliminary report to the Department either by using the Assisted Living Complaint Registry or by fax or by electronic means. If the disaster will not require direct Departmental assistance, the establishment shall provide the preliminary report within 72 hours after the occurrence. This preliminary report shall include, at a minimum:

- A) name and location of establishment;
- B) type of disaster;
- C) number of injuries or deaths to residents;
- D) number of units not usable due to the occurrence;
- E) estimate of the extent of damages to the establishment;
- F) type of assistance needed, if any;
- G) other State or local agencies notified about the problem.

- 2) The establishment shall submit a full written account to the

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED RULES

Department within seven days after the occurrence, including the information specified in subsection (i)(1) of this Section and a statement of action taken by the facility after the preliminary report was filed.

- j) Each establishment shall develop and implement policies and procedures in a written plan to provide for the health, safety, welfare and comfort of all residents when the heat index/apparent temperature (see Section 295.206(a), as established by the National Oceanic and Atmospheric Administration, inside the residents' living, dining, activities, or sleeping areas of the facility exceeds a heat index/apparent temperature of 80°F.

**Section 295.2050 Incident and Accident Reporting**

- a) An establishment shall report to the Department any incident or accident that has a significant negative effect on a resident's health, safety or welfare. A copy of the report shall be maintained by the establishment.
- b) A significant negative effect shall be assumed whenever an unplanned or unscheduled visit to a hospital is necessary.
- c) The report shall be made by contacting the Department of Public Health Assisted Living Complaint Registry or by fax or by other electronic means within 24 hours after the occurrence of the incident or accident.

**Section 295.2060 Quality Improvement Program**

- a) The establishment shall establish an effective quality improvement program that encompasses oversight and monitoring, resident satisfaction, and ongoing quality improvement and implementation of any plan that addresses improved quality services. *The quality improvement process implemented by the establishment must benchmark performance, be customer centered, be data driven, and focus on resident satisfaction.* (Section 30(a) of the Act) For the purpose of this Section, "benchmark" means creating points of reference from which measurements can be made.
- b) The existence and results of a quality improvement program cannot be used as evidence in any civil or criminal court proceeding.

**Section 295.2070 Negotiated Risk Agreement**

- a) The negotiated risk agreement, if any, shall be signed by the resident or the resident's representative and the licensee and shall describe the following:
  - 1) The problem, issue or service that is the subject of the agreement;
  - 2) The choices available to the resident, as well as the major risks and potential consequences associated with each choice;

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED RULES

- 3) The resulting agreement;
- 4) The responsibilities of the establishment and the resident and any other involved individual; and
- 5) A time frame for review.
- b) The negotiated risk agreement may be negotiated or renegotiated at any time during the resident's stay in the establishment and may be part of the service delivery plan.

## SUBPART C: PERSONNEL

**Section 295.3000 Personnel Requirements, Qualifications and Training**

- a) *The establishment shall have staff sufficient in number with qualifications, adequate skills, education and experience to meet the 24 hour scheduled and unscheduled needs of residents and who participate in ongoing training to serve the resident population.* (Section 35(a)(3) of the Act)
- b) The establishment shall have on duty at all times at least one direct care staff person who has obtained cardiopulmonary resuscitation (CPR) training specific to adults, which includes a demonstration of the individual's ability to perform CPR and who has current certification in CPR.
- c) At the starting date of employment, each direct care staff member shall be 16 years of age or older.
- d) The establishment shall define, through job descriptions, minimum education and experience requirements.
- e) A file shall be maintained for each employee containing the following:
  - 1) The employee's name, date of birth, home address, Social Security number and telephone number;
  - 2) Documentation of:
    - A) Freedom from pulmonary tuberculosis;
    - B) Employee orientation; and
    - C) Ongoing training;
  - 3) An employee's starting date of employment and ending date, if applicable.
- f) In addition to the information required in subsection (e) of this Section, the file for each direct care employee shall contain documentation of:
  - 1) Current certification in CPR;
  - 2) Initial health evaluation; and
  - 3) Compliance with the Health Care Worker Background Check Act.
- g) All records required by this Section shall be maintained throughout the individual's employment or service and for at least 12 months after the individual's last date of employment or service, unless required for a longer period of time by State or federal law.
- h) The establishment shall have sufficient personnel to provide the following for its current resident population:
  - 1) All mandatory services;



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED RULES

- 2) Services established in each resident's service plan;
  - 3) Service to meet the needs of each resident, including 24 hour scheduled and unscheduled needs, general supervision, and the ability to intervene in a crisis;
  - 4) Food services;
  - 5) Environmental services;
  - 6) Evacuation of residents during emergencies; and
  - 7) Any optional services to be provided by the establishment as stated in the service plan.
- i) The personnel schedule shall:
- 1) Indicate the date, scheduled work hours, and name and position of each employee assigned;
  - 2) Reflect actual work hours; and
  - 3) Be maintained and made available upon request for at least 12 months from the last date on the schedule.
- j) If an establishment accepts individuals with impairments that prevent them from moving to a place of safety independently, sufficient staff must be present and awake to enable these residents to move to a safe area 24 hours per day.
- k) Shared housing establishments shall have at least one staff member on site at all times, except in situations, such as taking a resident to the emergency room or planned or unplanned trips to the grocery store, that would require the staff person to be away from the facility for a brief period of time. In such situations, arrangements shall be made to monitor the safety of the residents in accordance with the service plan. Assisted living establishments shall have at least one staff member awake, on duty and on site 24 hours per day.
- l) The establishment shall check the status of all applicants with the Nurse Aide Registry prior to hiring.

**Section 295.3010 Manager's Qualifications**

- a) Each assisted living establishment shall have a full-time manager.
- b) A shared housing establishment shall have a manager, who may oversee no more than three establishments if they are located within 30 minutes driving time during non-rush hour and if the manager may be immediately contacted by an electronic communication device.
- c) The manager shall be at least 21 years of age and have a high school diploma or equivalency.
- d) The manager shall receive training and orientation in care and service system delivery and have at least:
  - 1) one year of management experience in health care, housing, or hospitality or providing similar services to the elderly; or
  - 2) two years experience in health care, housing, or hospitality or providing similar services to the elderly.
- e) The manager shall designate an individual capable of acting in an emergency to act in his or her absence from the establishment.
- f) If the manager provides direct care, the manager is required to meet

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED RULES

- the requirements of the Health Care Worker Background Check Act.
- g) Changes in manager must be reported to the Department within 10 working days.

**Section 295.3020 Employee Orientation and Ongoing Training**

- a) Each new employee shall complete orientation within 10 days after the starting date of employment that includes:
  - 1) The establishment's philosophy and goals;
  - 2) Promotion of resident dignity, independence, self-determination, privacy, choice, and resident rights;
  - 3) Confidentiality of resident records and resident information;
  - 4) Hygiene and infection control;
  - 5) Abuse and neglect prevention and reporting requirements; and
  - 6) Disaster procedures.
- b) Each employee shall also complete orientation within 30 days after the starting date of employment that includes:
  - 1) Orientation to the characteristics and needs of the establishment's residents;
  - 2) The significance and location of resident service plans;
  - 3) Internal establishment requirements and the establishment's policies and procedures;
  - 4) The employee's job responsibilities and limitations;
  - 5) CPR and emergency procedures for medical events, if applicable; and
  - 6) Training in assistance with activities of daily living appropriate to the job.
- c) Each manager and direct care staff member shall complete a minimum of 8 hours of ongoing training, applicable to the employee's responsibilities, every 12 months after the starting date of employment. The training shall include:
  - 1) Promoting resident dignity, independence, self-determination, privacy, choice, and resident rights;
  - 2) Disaster procedures;
  - 3) Hygiene and infection control;
  - 4) Assisting residents in self-administration of residents' medications;
  - 5) Abuse and neglect prevention and reporting requirements; and
  - 6) Assisting residents with activities of daily living.
- d) All training shall be documented with:
  - 1) Date;
  - 2) Starting and ending time;
  - 3) Instructors and their qualifications;
  - 4) Short description of content; and
  - 5) Staff member's written signature.
- e) An employee who has not demonstrated to the establishment that he or she is competent to perform a particular task may perform that task only under the direct supervision of an employee who has demonstrated



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED RULES

competence in performing the task.

### Section 295.3030 Initial Health Evaluation for Direct Care and Food Service Employees

- a) Each direct care and food service employee shall have an initial health evaluation, which shall be used to ensure that employees are not placed in positions that would pose undue risk of infection to themselves, other employees, residents, or visitors.
- b) The initial health evaluation shall be conducted not more than 30 days prior to and no later than 30 days after the employee's initial employment in the establishment.
- c) The initial health evaluation shall include a health inventory that shall be obtained from the employee and shall include the employee's immunization status and any available history of conditions that would predispose the employee to acquiring or transmitting infectious diseases. This inventory shall include any history of exposure to, or treatment for, tuberculosis. The inventory shall also include any history of hepatitis, dermatologic conditions, or chronic draining infections or open wounds.
- d) The initial health evaluation shall include a physical examination. The examination shall include at a minimum any procedures needed to:
  - 1) Detect any unusual susceptibility to infection and any conditions that would increase the likelihood of the transmission of disease to residents, other employees, or visitors; and
  - 2) Determine that the employee appears to be physically able to perform the job functions that the establishment intends to assign to the employee.
- e) Each employee shall have a tuberculin skin test in accordance with the Control of Tuberculosis Code (77 Ill. Adm. Code 696). The test must meet one of the following time frames:
  - 1) The test must be completed no more than 90 days prior to the date of initial employment in the establishment; or
  - 2) The test must be commenced no more than ten days after the date of initial employment in the establishment.

### Section 295.3040 Health Care Worker Background Check

- a) The establishment shall not knowingly hire any individual in a position with duties involving direct care for residents if that person has been convicted of committing or attempting to commit one or more of the following offenses (Section 25(a) of the Health Care Worker Background Check Act [225 ILCS 46/25]):
  - 1) Solicitation of murder, solicitation of murder for hire (Sections 8-1.1 and 8-1.2 of the Criminal Code of 1961 [720 ILCS 5/8-1.1 and 8-1.2]) (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 8-1.1 and 8-1.2));
  - 2) Murder, homicide, manslaughter or concealment of a homicidal

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED RULES

- death (Sections 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.1, 9-3.2, and 9-3.3 of the Criminal Code of 1961 [720 ILCS 5/9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.1, 9-3.2 and 9-3.3]) (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.1, 9-3.2, and 9-3.3); Ill. Rev. Stat. 1985, ch. 38, par. 9-1.1; Ill. Rev. Stat. 1961, ch. 38, pars. 3, 236, 358, 360, 361, 362, 363, 364, 364a, 365, 370, 373, 373a, 417, and 474));
- 3) Kidnaping or child abduction (Sections 10-1, 10-2, 10-5 and 10-7 of the Criminal Code of 1961 [720 ILCS 5/10-1, 10-2, 10-5, and 10-7]) (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 10-1, 10-2, 10-5, and 10-7; Ill. Rev. Stat. 1985, ch. 38, par. 10-6; Ill. Rev. Stat. 1961, ch. 38, pars. 384 to 386));
- 4) Unlawful restraint or forcible detention (Sections 10-3, 10-3.1, and 10-4 of the Criminal Code of 1961 [720 ILCS 5/10-3, 10-3.1, and 10-4]) (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 10-3, 10-3.1, and 10-4; Ill. Rev. Stat. 1961, ch. 38, pars. 252, 252.1, and 252.4));
- 5) Indecent solicitation of a child, sexual exploitation of a child, exploitation of a child, child pornography (Sections 11-6, 11-9.1, 11-19.2, and 11-20.1 of the Criminal Code of 1961 [720 ILCS 5/11-6, 11-9.1, 11-19.2, and 11-20.1]) (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 11-6, 11-19.2, and 11-20.1; Ill. Rev. Stat. 1983, ch. 38, par. 11-20a; Ill. Rev. Stat. 1961, ch. 38, pars. 103 and 104));
- 6) Assault, battery, heinous battery, tampering with food, drugs or cosmetics, or infliction of great bodily harm (Sections 12-1, 12-2, 12-3.1, 12-3.2, 12-4, 12-4.1, 12-4.2, 12-4.3, 12-4.4, 12-4.5, 12-4.6, and 12-4.7 of the Criminal Code of 1961 [720 ILCS 5/12-1, 12-2, 12-3, 12-3.1, 12-3.2, 12-4, 12-4.1, 12-4.2, 12-4.3, 12-4.4, 12-4.5, 12-4.6, and 12-4.7]) (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 12-1, 12-2, 12-3, 12-3.1, 12-3.2, 12-4, 12-4.1, 12-4.2, 12-4.3, 12-4.4, 12-4.5, 12-4.6, and 12-4.7); Ill. Rev. Stat. 1985, ch. 38, par. 9-1.1; Ill. Rev. Stat. 1961, ch. 38, pars. 55, 56, and 56a to 60b));
- 7) Aggravated stalking (Section 12-7.4 of the Criminal Code of 1961 [720 ILCS 5/12-7.4]) (formerly Ill. Rev. Stat. 1991, ch. 38, par. 12-7.4));
- 8) Home invasion (Section 12-11 of the Criminal Code of 1961 [720 ILCS 5/12-11]) (formerly Ill. Rev. Stat. 1991, ch. 38, par. 12-11));
- 9) Sexual assault or sexual abuse (Sections 12-13, 12-14, 12-14.1, 12-15, and 12-16 of the Criminal Code of 1961 [720 ILCS 5/12-13, 12-14, 12-14.1, 12-15, and 12-16]) (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 12-1, 12-2, 12-3, 12-3.1, 12-3.2, 12-4, 12-4.1, 12-4.2, 12-4.3, 12-4.4, 12-4.5, 12-4.6, and 12-4.7); Ill. Rev. Stat. 1985, ch. 38, par. 11-1, 11-4, and 11-4.1; Ill. Rev. Stat. 1961, ch. 38, pars. 109, 141, 142, 490, and 491));
- 10) Abuse or gross neglect of a long-term care facility resident

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED RULES

- (Section 12-19 of the Criminal Code of 1961 [720 ILCS 5/12-19] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 12-19));
- 11) Criminal neglect of an elderly or disabled person (Section 12-21 of the Criminal Code of 1961 [720 ILCS 5/12-21] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 12-21));
- 12) Endangering the life or health of a child (Section 12-21.6 of the Criminal Code of 1961 [720 ILCS 5/12-21.6] (formerly Ill. Rev. Stat. 1991, ch. 23, par. 2354; Ill. Rev. Stat. 1961, ch. 38, par. 95));
- 13) Ritual mutilation, ritualized abuse of a child (Sections 12-32 and 12-33 of the Criminal Code of 1961 [720 ILCS 5/12-32 and 12-33] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 12-32 and 12-33));
- 14) Theft, retail theft (Sections 16-1 and 16A-3 of the Criminal Code of 1961 [720 ILCS 5/16-1 and 16A-3] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 16-1 and 16A-3; Ill. Rev. Stat. 1961, ch. 38, pars. 62, 207 to 218, 240 to 244, 246, 253, 254.1, 258, 262, 262a, 273, 290, 291, 301a, 354, 387 to 388b, 389, 393 to 400, 404a to 404c, 438, 492 to 496));
- 15) Financial exploitation of an elderly or disabled person (Section 16-1.3 of the Criminal Code of 1961 [720 ILCS 5/16-1.3] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 16-1.3));
- 16) Forgery (Section 17-3 of the Criminal Code of 1961 [720 ILCS 5/17-3] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 17-3; Ill. Rev. Stat. 1961, ch. 38, pars. 151 and 277 to 286));
- 17) Robbery, armed robbery (Sections 18-1 and 18-2 of the Criminal Code of 1961 [720 ILCS 5/18-1 and 18-2] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 18-1 and 18-2));
- 18) Vehicular hijacking, aggravated vehicular hijacking, aggravated robbery (Sections 18-3, 18-4, and 18-5 of the Criminal Code of 1961 [720 ILCS 5/18-3, 18-4, and 18-5]);
- 19) Burglary, residential burglary (Sections 19-1 and 19-3 of the Criminal Code of 1961 [720 ILCS 5/19-1 and 19-3] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 19-1 and 19-3; Ill. Rev. Stat. 1961, ch. 38, pars. 84 to 86, 88, and 501));
- 20) Criminal trespass to a residence (Section 19-4 of the Criminal Code of 1961 [720 ILCS 5/19-4] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 19-4));
- 21) Arson (Sections 20-1 and 20-1.1 of the Criminal Code of 1961 [720 ILCS 5/20-1 and 20-1.1] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 20-1 and 20-1.1; Ill. Rev. Stat. 1961, ch. 38, pars. 48 to 53 and 236 to 238));
- 22) Unlawful use of weapons, aggravated discharge of a firearm, or reckless discharge of a firearm (Sections 24-1, 24-1.2, and 24-1.5 of the Criminal Code of 1961 [720 ILCS 5/24-1, 24-1.2, and 24-1.5] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 24-1 and 24-1.2; Ill. Rev. Stat. 1961, ch. 38, pars. 152, 152a, 155, 155a to 158b, 414a to 414c, 414e, and 414g));

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED RULES

- 23) Armed violence - elements of the offense (Section 33A-2 of the Criminal Code of 1961 [720 ILCS 5/33A-2] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 33A-2));
- 24) Those provided in Section 4 of the Wrongs to Children Act (Section 4 of the Wrongs to Children Act [720 ILCS 150/4] (formerly Ill. Rev. Stat. 1991, ch. 23, par. 2354));
- 25) Cruelty to children (Section 53 of the Criminal Jurisprudence Act [720 ILCS 115/53] (formerly Ill. Rev. Stat. 1991, ch. 23, par. 2368));
- 26) Manufacture, delivery or trafficking of cannabis, delivery of cannabis on school grounds, or delivery to person under 18; violation by person under 18 (Sections 5, 5.1, 5.2, 7, and 9 of the Cannabis Control Act [720 ILCS 550/5, 5.1, 5.2, 7, and 9] (formerly Ill. Rev. Stat. 1991, ch. 56 1/2, pars. 705.2, 707, and 709)); or
- 27) Manufacture, delivery or trafficking of controlled substances (Sections 401, 401.1, 404, 405, 405.1, 407 and 407.1 of the Illinois Controlled Substances Act [720 ILCS 570/401, 401.1, 404, 405, 405.1, 407, 407.1] (formerly Ill. Rev. Stat. 1991, ch. 56 1/2, pars. 1401, 1401.1, 1404, 1405, 1405.1, 1407, and 1407.1)).
- b) The establishment shall not knowingly employ or retain any individual in a position with duties involving direct care for residents if that person has been convicted of committing or attempting to commit one or more of the offenses listed in subsections (a)(1) through (27) of this Section unless the applicant, employee or employer obtains a waiver pursuant to subsections (m) and (o) of this Section. (Section 25(a) of the Health Care Worker Background Check Act)
- c) An establishment shall not hire, employ, or retain any individual in a position with duties involving direct care of residents if the establishment becomes aware that the individual has been convicted in another state of committing or attempting to commit an offense that has the same or similar elements as an offense listed in subsections (a)(1) through (27) of this Section, as verified by court records, records from a State agency, or an FBI criminal history record check. This shall not be construed to mean that an establishment has an obligation to conduct a criminal history records check in other states in which an employee has resided. (Section 25(b) of the Act)
- d) For the purposes of this Section:
- "Applicant" means an individual seeking employment with an establishment who has received a bona fide conditional offer of employment.
- "Conditional offer of employment" means a bona fide offer of employment by an establishment to an applicant, which is contingent upon the receipt of a report from the Department of State Police indicating that the applicant does not have a record of conviction of any of the criminal offenses listed in subsections (a)(1) through (27)

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED RULES

of this Section.

*"Direct care"* means the provision of nursing care or assistance with feeding, dressing, movement, bathing, or other personal needs.

*"Initiate"* means the obtaining of the authorization for a record check from a student, applicant, or employee. (Section 15 of the Health Care Worker Background Check Act)

e) For purposes of the Health Care Worker Background Check Act, the establishment shall establish a policy defining which employees provide direct care. In making this determination, the establishment shall consider the following:

- 1) The employee's assigned job responsibilities as set forth in the employee's job description;
- 2) Whether the employee is required to or has the opportunity to be alone with residents, with the exception of infrequent or unusual occasions; and
- 3) Whether the employee's responsibilities include physical contact with residents.

f) When the establishment makes a conditional offer of employment to an applicant who is not exempt under subsection (s) of this Section for a position with duties that involve direct care for residents, the employer must initiate or have initiated on its behalf a Uniform Conviction Information Act (UCIA) criminal history record check for that applicant. (Section 30(c) of the Health Care Worker Background Check Act) If the applicant is on the Department's Nurse Aide Registry and has had a UCIA criminal history record check within the last 2 months, the employer need not initiate another check.

g) The establishment shall transmit all necessary information and fees to the Illinois State Police within 10 working days after receipt of the authorization. (Section 15 of the Health Care Worker Background Check Act)

h) The establishment may accept an authentic UCIA criminal history record check that has been conducted within the last 12 months rather than initiating a check as required in subsection (f) of this Section.

i) The request for a UCIA criminal history record check shall be made as prescribed by the Department of State Police. The applicant or employee must be notified of the following whenever a non-fingerprint-based UCIA criminal history record check is made:

- 1) That the establishment shall request or have requested on its behalf a non-fingerprint-based UCIA criminal history record check pursuant to the Health Care Worker Background Check Act.
- 2) That the applicant or employee has a right to obtain a copy of the criminal record report from the establishment, challenge the accuracy and completeness of the report, and request a waiver in accordance with subsection (m) of this Section.
- 3) That the applicant, if hired conditionally, may be terminated if

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED RULES

the non-fingerprint-based criminal records report indicates that the applicant has a record of conviction of any of the criminal offenses enumerated in subsections (a)(1) through (27) of this Section unless the applicant's identity is validated and it is determined that the applicant or employee does not have a disqualifying criminal history record based on a fingerprint-based records check pursuant to subsection (k) of this Section.

4) That the applicant, if not hired conditionally, shall not be hired if the non-fingerprint-based criminal records report indicates that the applicant has a record of the conviction of any of the criminal offenses enumerated in subsections (a)(1) through (27) of this Section unless the applicant's record is cleared based on a fingerprint-based records check pursuant to subsection (k) of this Section.

5) That the employee may be terminated if the criminal records report indicates that the employee has a record of conviction of any of the criminal offenses enumerated in subsections (a)(1) through (27) of this Section unless the employee's record is cleared based on a fingerprint-based records check pursuant to subsection (k) of this Section. (Section 30(e) and (f) of the Health Care Worker Background Check Act)

j) An establishment may conditionally employ an applicant to provide direct care for up to three months pending the results of a UCIA criminal history record check. (Section 30(g) of the Health Care Worker Background Check Act)

k) An applicant or employee whose non-fingerprint-based UCIA criminal history record check indicates a conviction for committing or attempting to commit one or more of the offenses listed in subsections (a)(1) through (27) of this Section may request that the establishment or its designee commence a fingerprint-based UCIA criminal records check by submitting any necessary fees and information in a form and manner prescribed by the Department of State Police. (Section 35 of the Health Care Worker Background Check Act)

l) An establishment having actual knowledge from a source other than a non-fingerprint check that an employee has been convicted of committing or attempting to commit one of the offenses enumerated in Section 25 of the Health Care Workers Background Check Act must initiate a fingerprint-based background check within 10 working days after acquiring that knowledge. The establishment may continue to employ that individual in a direct care position, may reassign that individual to a non-direct care position, or may suspend the individual until the results of the fingerprint-based background check are received. (Section 30(d) of the Health Care Worker Background Check Act)

m) An applicant, employee or employer may request a waiver to subsection (a), (b) or (c) of this Section by submitting the following to the Department within five working days after the receipt of the criminal



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED RULES

## records report:

- 1) A completed fingerprint-based UCIA criminal records check form (Section 40(a) of the Health Care Worker Background Check Act) (which the Department will forward to the Illinois State Police); and
  - 2) A certified check, money order or establishment check made payable to the Department of State Police for the amount of money necessary to initiate a fingerprint-based UCIA criminal records check.
- The Department may accept the results of the fingerprint-based UCIA criminal records check instead of the items required by subsections (m)(1) and (2). (Section 40(a-5) of the Health Care Worker Background Check Act)
- o) The Department may grant a waiver based on mitigating circumstances, which may include:
    - 1) The age of the individual at which the crime was committed;
    - 2) The circumstances surrounding the crime;
    - 3) The length of time since the conviction;
    - 4) The applicant's or employee's criminal history since the conviction;
    - 5) The applicant's or employee's work history;
    - 6) The applicant's or employee's current employment references;
    - 7) The applicant's or employee's character references;
    - 8) Nurse Aide Registry records; and
    - 9) Other evidence demonstrating the ability of the applicant or employee to perform the employment responsibilities competently and evidence that the applicant or employee does not pose a threat to the health or safety of residents. (Section 40(b) of the Health Care Worker Background Check Act)
  - p) An individual shall not be employed in a direct care position from the time that the employer receives the results of a non-fingerprint check containing disqualifying conditions until the time that the individual receives a waiver from the Department. If the individual challenges the results of the non-fingerprint check, the employer may continue to employ the individual in a direct care position if the individual presents convincing evidence to the employer that the non-fingerprint check is invalid. If the individual challenges the results of the non-fingerprint check, his or her identity shall be validated by a fingerprint-based records check in accordance with subsection (k) of this Section. (Section 40(d) of the Health Care Worker Background Check Act)
  - q) An establishment is not obligated to employ or offer permanent employment to an applicant, or to retain an employee, who is granted a waiver. (Section 40(f) of the Health Care Worker Background Check Act)
  - r) A establishment may retain the individual in a direct care position if the individual presents clear and convincing evidence to the establishment that the non-fingerprint-based criminal records report

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED RULES

is invalid and if there is a good faith belief on the part of the employer that the individual did not commit an offense listed in subsections (a)(1) through (27) of this Section, pending positive verification through a fingerprint-based criminal records check. Such evidence may include, but is not limited to:

- 1) certified court records;
  - 2) written verification from the State's Attorney's office that prosecuted the conviction at issue;
  - 3) written verification of employment during the time period during which the crime was committed or during the incarceration period stated in the report;
  - 4) a signed affidavit from the individual concerning the validity of the report; or
  - 5) documentation from a local law enforcement agency that the individual was not convicted of a disqualifying crime.
- s) This Section shall not apply to:
- 1) An individual who is licensed by the Department of Professional Regulation or the Department of Public Health under another law of this State;
  - 2) An individual employed or retained by a health care employer for whom a criminal background check is required by another law of this State; or
  - 3) A student in a licensed health care field including, but not limited to, a student nurse, a physical therapy student, or a respiratory care student unless he or she is employed by a health care employer in a position with duties involving direct care for residents. (Section 20 of the Health Care Worker Background Check Act)
- t) The establishment shall retain on file for a period of 5 years records of criminal records requests for all employees. The establishment shall retain the results of the UCIA criminal history records check and waiver, if appropriate, for the duration of the individual's employment. The files shall be subject to inspection by the Department. A fine of \$500 shall be imposed for failure to maintain these records. (Section 50 of the Health Care Worker Background Check Act)
- u) The establishment shall maintain a copy of the employee's criminal history record check results and waiver, if applicable, in the personnel file or other secure location accessible to the Department.

SUBPART D: RESIDENT CARE AND SERVICES

## Section 295.4000 Assessment

- a) No more than 120 days prior to admission of a resident to any establishment, a comprehensive assessment by a physician shall be completed. The comprehensive assessment shall include an evaluation of the prospective resident's physical, cognitive, and psychosocial



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED RULES

*condition*, including documentation of the presence or the absence of tuberculosis infection in accordance with the Control of Tuberculosis Code.

- b) *At least annually*, once a resident has moved into the establishment, a *comprehensive assessment shall be completed*. The comprehensive assessment shall be completed by a physician.
- c) A comprehensive assessment shall be completed by a physician upon *identification of a significant change in the resident's condition*.
- d) When a comprehensive assessment is conducted pursuant to this Part, all current negotiated risk agreements shall be reviewed.
- e) *More frequent assessments of skin integrity and nutritional status by a physician shall be required* (Section 15 of the Act) as ordered by the resident's physician or as arranged for by the resident.
- f) It is the responsibility of the resident or his/her representative to have assessments and reassessments completed.
- g) Establishments may develop their own tools for evaluating their residents. Documentation of evaluations and re-evaluations may be in any form that is accurate and addresses the residents' conditions.
- h) The establishment shall monitor and have a reporting procedure in place for notifying appropriate individuals of observed or reported changes in a resident's condition.

**Section 295.4010 Service Plan**

- a) *Based on the assessment and evaluation* (see Section 295.4000), a *written service plan shall be developed and mutually agreed upon by the establishment and the resident*. (Section 15 of the Act) The establishment shall respect and accept the resident's choices regarding the service plan.
- b) The service plan shall be developed by:
  - 1) The resident or any individual requested by the resident;
  - 2) The manager or manager's designee; and
  - 3) A nurse, if the resident is receiving nursing services or medication administration, or is unable to direct self-care.
- c) The service plan shall be signed and dated by all individuals involved in its development.
- d) *The service plan, which shall be reviewed annually, or more often as the resident's condition, preferences, or service needs change, shall serve as a basis for the service delivery contract between the provider and the resident* (see Section 295.2030). (Section 15 of the Act)
- e) The service plan shall be reviewed and revised if necessary immediately after a significant change in the resident's physical, cognitive, or functional condition. (see Section 295.4000)
- f) *Based on the assessment, the service plan may provide for the disconnection or removal of any appliance*. (Section 15 of the Act)
- g) Service plans shall address:
  - 1) The level of service the resident is receiving, including:

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED RULES

- A) assistance with activities of daily living;
  - B) dietary needs if any;
  - C) assistance with self-administration or the administration of medications;
  - D) special accommodations for the resident;
- 2) The amount, type, and frequency of health-related services needed by the resident;
  - 3) Each individual responsible for the provisions of the service plan; and
  - 4) Any risk being negotiated.
- h) A resident's service plan shall state whether the resident:
    - 1) Requires assistance in the self-administration of medication, which includes any of the following:
      - A) Storing a resident's medication;
      - B) Reminding a resident that it is time to take a medication;
      - C) Reading the medication label to a resident;
      - D) Checking the dosage against the label of the medication;
      - E) Confirming that the resident has obtained and is taking the dosage as prescribed;
      - F) Documenting in writing that the resident has taken (or refused to take) the medication; (Section 70 of the Act)
      - G) Opening the medication container for a resident who is physically unable to do so.
    - 2) Requires medication administration.
  - i) The service plan shall include all support services provided or arranged for by the establishment or by an outside provider.
  - j) Residents have the right to choose to refuse certain services or approaches that would otherwise be recommended based on the assessment if the resident has received clear information regarding the risks and benefits of such a choice and the choice does not put other residents or staff at risk. Disclosure of the risks of refusing services or approaches must be documented in the service plan.

**Section 295.4020 Mandatory Services**

Each establishment shall provide or arrange for the following mandatory services:

- a) *Three meals per day available to the residents, prepared by the establishment or an outside contractor;*
- b) *Housekeeping services including, but not limited to, vacuuming, dusting, and cleaning the resident's unit;*
- c) *Personal laundry and linen services available to the residents, provided or arranged for by the establishment;*
- d) *Security provided 24 hours each day including, but not limited to, locked entrances or building or contract security personnel;*
- e) *An emergency communication response system, which is a procedure in place 24 hours each day by which a resident can notify building management, an emergency response vendor, or others able to respond to*

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED RULES

- his or her need for assistance; and
- f) Assistance with activities of daily living as required by each resident. (Section 10 of the Act)

#### Section 295.4030 Special Safety and Service Needs of Individuals Who Are Quadriplegic or Paraplegic, or Who Have Neuro-Muscular Diseases

The establishment shall provide for the special safety and service needs of individuals who are quadriplegic or paraplegic, or who have neuro-muscular diseases, such as muscular dystrophy and multiple sclerosis. (Section 75(g) of the Act) A resident who requires more than minimal assistance in moving to a safe area in an emergency situation involving the immediate evacuation of an establishment must have a 24-hour attendant. (Section 75(c)(5) of the Act) The resident and the establishment shall enter into a written agreement describing how the special needs of the resident shall be met. For the purpose of this Section "more than minimal assistance" shall mean providing verbal and physical assistance or both while the resident moves between bed or chair and standing position or between bed or chair and wheelchair. Assistance by more than one person is allowed for safety reasons or if, once transferred, the resident can exit the building with minimal or no assistance in a wheelchair or motorized scooter.

#### Section 295.4040 Communicable Disease Policies

- a) The establishment shall meet the Control of Communicable Diseases Code (77 Ill. Adm. Code 690).
- b) The establishment shall not knowingly admit a person with a communicable, contagious, or infectious disease, as defined in the Control of Communicable Diseases Code. A resident who is suspected of or diagnosed as having any such disease shall be placed in isolation, if required, in accordance with the Control of Communicable Diseases Code. If the establishment believes that it cannot provide the necessary infection control measures, it shall initiate residency termination pursuant to Section 80 of the Act.
- c) All illnesses required to be reported under the Control of Communicable Diseases Code and Control of Sexually Transmissible Diseases Code (77 Ill. Adm. Code 693) shall be reported immediately to the local health department and to the Department. The establishment shall furnish all pertinent information relating to such occurrences. In addition, the establishment shall also inform the Department of all incidents of scabies and other skin infestations.

#### Section 295.4050 Tuberculin Skin Test Procedures

Tuberculin skin tests for employees and residents shall be conducted in accordance with the Control of Tuberculosis Code (77 Ill. Adm. Code 696).

#### Section 295.4060 Alzheimer's and Dementia Programs

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED RULES

- a) Except as provided in this Section, Alzheimer and dementia programs shall comply with provisions of the Act. (Section 150(a) of the Act).
- b) No person shall be admitted or retained in an assisted living or shared housing establishment if the establishment cannot provide or secure appropriate care, if the resident requires a level of service or type of service for which the establishment is not licensed or which the establishment does not provide, or if the establishment does not have the staff appropriate in numbers and with appropriate skill to provide such services. (Section 150(b) of the Act)
- c) No persons shall be accepted for residency or remain in residence if the person's mental or physical condition has so deteriorated to render residency in such a program to be detrimental to the health, welfare or safety of the person or of other residents of the establishment. The assessment must be approved by the resident's physician and shall occur prior to acceptance for residency, annually, and at such time that a change in the resident's condition is identified by a family member, staff of the establishment, or the resident's physician. (Section 150(c) of the Act) The Department shall develop a list of assessment tools recognized by the Alzheimer's Association. These tools shall be dementia specific with inter-rater reliability.
- d) No person shall be accepted for residency or remain in residence if the person is dangerous to self or others and the establishment would be unable to eliminate the danger through the use of appropriate treatment modalities. (Section 150(d) of the Act)
- e) No person shall be accepted for residency or remain in residence if the person meets the criteria provided in subsections (b) through (g) of Section 75 of the Act. (Section 150(e) of the Act)
- f) If an establishment accepts an individual with cognitive impairments that prevent him or her from safely evacuating the establishment independently, one staff member shall be present and awake 24 hours a day to assist in evacuation.
- g) An establishment that offers to provide a special program or unit for persons with Alzheimer's disease and related disorders shall:
- 1) Disclose to the Department and to a potential or actual resident of the establishment information as specified under the Alzheimer's Special Care Disclosure Act;
  - 2) Ensure that a resident's representative is designated for the resident;
  - 3) Develop and implement policies and procedures that ensure the continued safety of all residents in the establishment including, but not limited to, those who:
    - A) May wander; and
    - B) May need supervision and assistance when evacuating the building in an emergency;
  - 4) Provide coordination of communications with each resident, resident's representative, relatives and other persons identified in the resident's service plan;

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED RULES

- 5) *Provide, in the service plan, appropriate cognitive stimulation and activities to maximize functioning, which include a structure and rhythm that are comfortable and predictable; offer an appropriate balance of rest and activity and private and social time; allow residents to express their accustomed social roles, whatever they may be; offer residents access to familiar activities that they enjoyed doing and that tap memories and retained abilities; and provide the flexibility to accommodate variations in the resident's mood, energy level, and inclination;*
- 6) *Provide an appropriate number of staff for its resident population.* The establishment shall provide sufficient staff to meet the individual cognitive and programmatic needs of the residents. These staff shall be sufficient in number and have appropriate training to ensure that they are able to provide appropriate monitoring and interventions and to meet the scheduled and unscheduled needs of the residents in accordance with their cognitive condition. In designated Alzheimer/dementia programs, a minimum of one additional staff member shall be present and awake at all times;
- 7) *Require the manager and direct care staff to complete sufficient comprehensive and ongoing dementia and cognitive deficit training as set forth in subsection (h) of this Section;*
- 8) *Develop emergency procedures and staffing patterns to respond to the needs of residents; (Section 150(f) of the Act)*
- 9) Provide encouragement to eat snacks and meals and to take liquids; and
- 10) Have a supervisor of the program with training as outlined in subsection (h)(1) of this Section.

#### h) Training requirements for individuals working in a special program or unit:

- 1) Manager qualifications and training:
  - A) The manager of an establishment providing Alzheimer care or the supervisor of an Alzheimer unit must be 21 years of age and have:
    - i) a college degree with documented course work in dementia care, plus one year of management experience with persons with dementia; or
    - ii) at least two years of management experience with persons with dementia.
  - B) The manager or supervisor must complete, in addition to the training required in Section 295.3020, six hours of annual continuing education regarding dementia care.

#### 2) Staff training:

- A) All staff members must receive, in addition to the training required in Section 295.3020, four hours of dementia-specific orientation prior to assuming job responsibilities without direct supervision within the Alzheimer's/dementia program. Training must cover, at a

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED RULES

- minimum, the following topics:
- i) basic information about the causes, progression, and management of Alzheimer's disease and other related dementia disorders;
  - ii) techniques for creating an environment that minimizes challenging behavior;
  - iii) identifying and alleviating safety risks to residents with Alzheimer's disease;
  - iv) techniques for successful communication with individuals with dementia; and
  - v) residents' rights.
- B) Direct care staff must receive 16 hours of on-the-job supervision and training within the first 16 hours of employment following orientation. Training must cover:
- i) encouraging independence in and providing assistance with the activities of daily living;
  - ii) emergency and evacuation procedures specific to the dementia population;
  - iii) techniques for creating an environment that minimizes challenging behaviors;
  - iv) resident rights and choice for person with dementia, working with families, caregiver stress; and
  - v) techniques for successful communication.
- C) Direct care staff must annually complete 12 hours of in-service education regarding Alzheimer's disease and other related dementia disorders. Topics may include:
- i) assessing resident capabilities and developing and implementing service plans;
  - ii) promoting resident dignity, independence, individuality, privacy and choice;
  - iii) planning and facilitating activities appropriate for the dementia resident;
  - iv) communicating with families and other persons interested in the resident;
  - v) resident rights and principles of self-determination;
  - vi) care of elderly persons with physical, cognitive, behavioral and social disabilities;
  - vii) medical and social needs of the resident;
  - viii) common psychotropics and side effects;
  - ix) local community resources; and
  - x) other related issues.

## SUBPART E: MEDICATIONS

### Section 295.5000 Medication Reminders, Supervision of Self-Medication, Medication Administration and Storage

- a) An establishment may provide medication reminders, supervision of



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED RULES

self-administered medication, and medication administration as an optional service.

## b) Medication reminders include:

- 1) Reminding residents to take pre-dispensed, self-administered medication;
  - 2) Observing the resident; and
  - 3) Documenting whether or not the resident took the medication.
- c) Supervision of self-administered medication means assisting the resident with self-administered medication using any combination of the following. Supervision of self-administered medication by unlicensed personnel shall be under the direction of a licensed health care professional.

- 1) Reminding residents to take medication;
- 2) Confirming that residents have obtained and are taking the dosage as prescribed;
- 3) Reading the medication label to residents;
- 4) Checking the self-administered medication dosage against the label of the medication;
- 5) Opening the medication container for a resident who is physically unable to do so;
- 6) Confirming that residents have obtained and are taking the dosage as prescribed; and
- 7) Documenting in writing that the resident has taken (or refused to take) the medication.

d) Medication administration refers to a licensed health care professional employed by an establishment engaging in administering routine insulin and vitamin B-12 injections, oral medications, topical treatments, eye and ear drops, or nitroglycerin patches. Non-licensed staff may not administer any medication. (Section 70 of the Act)

e) Medication stored by a resident in the resident's unit shall be stored and controlled as stated in the resident's service plan and shall be inaccessible to other residents.

f) If an establishment provides medication administration or supervision of self-administered medication, the establishment's medication policies and procedures shall be approved by a physician, pharmacist, or registered nurse and shall address:

- 1) Obtaining and refilling medication;
- 2) Storing and controlling medication;
- 3) Disposing of medication;
- 4) Assisting in the self-administration of medication and medication administration, as applicable; and
- 5) Recording of medication assistance provided to residents and maintenance of medication records.

g) If an establishment provides medication administration or supervision of self-administered medication, a drug reference guide, no older than 2 years from the copyright date, shall be available and accessible for use by employees.

h) If an establishment provides medication administration, medication

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED RULES

stored by the establishment shall be stored or controlled as follows:

- 1) Medication shall be stored in a locked container, cabinet, or area that is inaccessible to residents;
  - 2) Medication shall not be left unattended by an employee;
  - 3) Medication shall be stored in the original labeled container, except for medication organizers, and according to instructions on the medication label;
  - 4) A bathroom or laundry room shall not be used for medication storage; and
  - 5) All expired or discontinued medication, including those of deceased residents, shall be disposed of according to the establishment's medication policies and procedures.
- i) Except for medication organizers, resident medication shall not be pre-poured. Medication organizers may be prepared up to 4 weeks in advance by the following individuals:

- 1) A resident or the representative;
  - 2) A resident's relatives;
  - 3) A nurse; or
  - 4) As otherwise provided by law.
- j) A separate medication record shall be maintained for each resident receiving medication administration and shall include:

- 1) Name of resident;
- 2) Name of medication, dosage, directions, and route of administration;
- 3) Date and time medication is scheduled to be administered;
- 4) Date and time of actual assistance in self-administration of medication or medication administration; and
- 5) Signature or initials of the employee providing assistance in self-administration of medication or medication administration.

## SUBPART F: RESIDENT RIGHTS

## Section 295.6000 Resident Rights

a) No resident shall be deprived of any rights, benefits, or privileges guaranteed by law, the Constitution of the State of Illinois, or the Constitution of the United States solely on account of his or her status as a resident of an establishment, nor shall a resident forfeit any of the following rights:

- 1) The right to retain and use personal property and a place to store personal items that is locked and secure;
- 2) The right to refuse services unless such services are court ordered or the health, safety, or welfare of other individuals is endangered by the refusal, and to be advised of the consequences of that refusal;
- 3) The right to be treated with consideration and respect, including the right to respect for bodily privacy and dignity at all times, especially during care and treatment;



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED RULES

- 4) *The right to the free exercise of religion and to participate or refuse to participate in religious, social, recreational, rehabilitative, political or community activities;*
- 5) *The right to privacy with regard to mail, phone calls, and visitors and personal and financial matters;*
- 6) *The right to uncensored access to the State Ombudsman or his or her designee;*
- 7) *The right to be free of retaliation for criticizing the establishment or making complaints to appropriate agencies or other third parties;*
- 8) *The right to be free of chemical and physical restraints;*
- 9) *The right to be free of abuse or neglect or financial exploitation or to refuse to perform labor;*
- 10) *The right to confidentiality of the resident's medical records;*
- 11) *The right of access and the right to copy the resident's personal files maintained by the establishment, during normal business hours or at a time agreed upon by the resident and the establishment;*
- 12) *The right to 24 hour access to the establishment;*
- 13) *The right to a minimum of 90-day notice of a planned establishment closure;*
- 14) *The right to a minimum of 30-day notice of an involuntary residency termination, except where the resident poses a threat to himself or others, or in other emergency situations, and the right to appeal such termination;*
- 15) *The right to a 30-day notice of delinquency and at least 15 days right to cure delinquency. (Section 95 of the Act)*
- b) The establishment shall also assure that the resident also has the following rights:
  - 1) The right to live in an environment that promotes and supports each resident's dignity, individuality, independence, self-determination, privacy, and choice;
  - 2) The right to participate or allow the representative or other individual to participate in the development of a written service plan;
  - 3) The right to receive the services specified in the service plan, and to review and re-negotiate the service plan at any time;
  - 4) The right to request to relocate or refuse to relocate within the facility based upon the resident's needs, desires, and availability of such options;
  - 5) The right to have financial and other records kept in confidence. The release of records shall be by written consent of the resident or the representative, except as otherwise provided by law;
  - 6) The right to have a copy of this Section;
  - 7) The right to be informed, in writing, of any change to a fee or charge at least 30 days before the change, unless the resident's service needs change, as documented in the resident's service

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED RULES

- plan:
  - 8) The right to exercise free choice in selecting activities, schedules, and daily routines;
  - 9) The right to exercise free choice in selecting a primary care provider, pharmacy, or other service provider and to assume responsibility for any additional costs incurred as a result of such choices;
  - 10) The right to refuse access to a Department reviewer;
  - 11) The right to unrestricted access to visitors, as long as the rights of other residents are not interfered with; and
  - 12) The right to be made aware of internal facility requirements and resident rights, despite any language barrier or physical disability.
  - c) *Nothing in this Part is meant to limit a resident's right to choose his or her health care provider. (Section 75(h) of the Act)*
- Section 295.6010 Abuse, Neglect, and Financial Exploitation Prevention and Reporting**
- a) When there is reasonable cause to believe that a resident has been the victim of abuse, neglect, or financial exploitation, the establishment shall:
    - 1) Notify the Department within 24 hours after receiving the allegation, by contacting the Assisted Living Complaint Registry by telephone, fax, or other electronic means.
    - 2) Document the initial report and maintain documentation of the report on the premises for 12 months after the date of the report.
    - 3) Investigate and develop a written report within 14 days after the initial report. The establishment shall send the written report to the Department within 24 hours after it is completed and shall maintain a copy of the written report on the premises for 12 months after the date of the report.
  - b) A written report of the investigation conducted pursuant to subsection (a)(3) shall contain at least the following:
    - 1) Dates, times, and description of the suspected or alleged abuse, neglect or financial exploitation;
    - 2) Description of any injury to the resident;
    - 3) Any change in the resident's physical, cognitive, functional, or emotional condition;
    - 4) Any actions taken by the licensee;
    - 5) A list of individuals and agencies notified by the establishment;
    - 6) Names of witnesses to the suspected or alleged abuse, neglect, or financial exploitation; and
    - 7) A description of the action taken by the establishment to prevent the suspected or alleged abuse, neglect or financial exploitation from occurring in the future.
  - c) Establishment employees and volunteers are obligated to report abuse,

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED RULES

neglect, or financial exploitation of a resident.

**Section 295.6020 Recognition of Legal Designation**

The Department and the establishment shall recognize the authority of:

- A legally appointed guardian of the resident's person as outlined in the letters of guardianship.
- An agent designated by the resident pursuant to the Illinois Power of Attorney Act [755 ILCS 45].
- A surrogate decision maker appointed in accordance with the Health Care Surrogate Act [755 ILCS 40].

**Section 295.6030 Resident's Representative**

- If a resident's representative is appointed for a resident who is not able to communicate his or her own needs, the resident's representative shall:

- Reside in the establishment;
  - Have a prior relationship to the resident (Section 75(c)(2) of the Act);
  - Be designated in writing and signed by the resident;
  - Provide documentation of the designation to the establishment.
- The resident shall be competent at the time of the designation.
  - The Department and the establishment shall recognize the authority of a resident's representative designated in accordance with this Section.

**SUBPART G: RESIDENT AND ESTABLISHMENT RECORDS****Section 295.7000 Resident Records**

- Service delivery contracts and related documents executed by each resident or resident's representative shall be maintained by the establishment from the date of execution until three years after the date the contract is terminated. (Section 105 of the Act)
- An establishment shall maintain a resident's record that contains at least the following:
  - The resident's name and Social Security number;
  - The date of the resident's acceptance into the establishment and the last address of the resident;
  - The names, addresses, and telephone numbers of the following:
    - The resident's representative, if applicable;
    - The resident's primary health care provider; and
    - An individual or relative to be contacted in the event of emergency, significant change in the resident's condition, or termination of residency;
  - The residency agreement and any amendments;
  - Documentation of orientation to the evacuation plan;

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED RULES

- Documentation of assessments and evaluations conducted pursuant to Section 295.4000;
  - The service plan, its amendments and updates;
  - A health care directive, if disclosed and applicable;
  - Documentation of known accidents, incidents or injuries;
  - Documentation of any significant change in a resident's behavior or physical, cognitive, or functional condition that would trigger an assessment or evaluation, and action taken by employees to address the resident's changing needs;
  - A written notice of termination of residency, if applicable;
  - Documentation of relocation assistance provided to the resident, if applicable;
  - A negotiated risk agreement, if any;
  - Any express waiver of confidentiality;
  - Letters of guardianship, if applicable; and
  - The resident's representative designation form.
- The resident is responsible for alerting the establishment of any changes to the information contained in the record of which the resident is aware.
  - An establishment shall ensure that a resident's record is:
    - Confidential and only released with written permission from the resident or the representative, or as otherwise provided by law;
    - Maintained at the establishment;
    - Legibly recorded in ink or electronically recorded;
    - Retained for 3 years from the date of termination of residency (closed records may be retained off-site); and
    - Available for review by the resident or the resident's representative during normal business hours or at a time agreed upon by the resident and the manager.
  - An establishment shall ensure that a resident's financial records are maintained separate from a resident's record and are accessible only to individuals designated by the establishment.
  - The following resident records and supporting documents shall be made available for on-site inspection by the Department upon request at any time:
    - Service delivery contracts and related documents executed by each resident or resident's representative, including, but not limited to, negotiated risk agreements;
    - Records supporting compliance with each individual contract and with this Part; and
    - Incident reports. (Section 105 of the Act)

**Section 295.7010 Establishment Records**

The establishment shall maintain the following records:

- Reports of known resident injury requiring a physician's intervention;
- Reports of abuse, neglect, or financial exploitation that are submitted to the Department pursuant to Section 295.6010;

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED RULES

- c) Incident/accident reports that are required to be submitted to the Department;
- d) Documentation of compliance with Section 295.3040 (Health Care Worker Background Check).

## SUBPART H: FOOD SERVICE

**Section 295.8000 Food Service**

If food service is provided, the establishment shall meet the following requirements:

- a) The food service staff shall be under the operational supervision of a certified food service manager as defined in the Food Service Sanitation Code (77 Ill. Adm. Code 750).
- b) A sufficient number of personnel shall be on duty to meet the dietary needs of the residents.
- c) Establishments that provide therapeutic diets as an optional service to residents shall employ or contract with a dietitian. A therapeutic diet means a diet ordered by a physician as part of a treatment for a disease or clinical condition, to eliminate or decrease certain substances in the diet, or to provide food in a form that the resident is able to eat. The dietitian shall approve written menus and diet extensions, assess the resident's special diet needs, plan individual diets, and provide guidance to dietary staff in areas of preparation, service, and monitoring the resident's acceptance of the diet. The frequency of the dietitian's visits shall be determined by the resident's dietary needs and the establishment's ability to implement the diet.
- d) Food services shall meet the Food Service Sanitation Code (77 Ill. Adm. Code 750) and any applicable local requirements.
- e) Meals shall be nutritionally balanced. The establishment shall work with residents to accommodate residents' preferences.
- f) Menus shall be planned and posted at least 48 hours in advance.
- g) The establishment shall meet temporary needs for meals delivered to residents' rooms.
- h) Snacks, fruits and beverages shall be available to residents. This may be met by vending machines, appliances in the residents' rooms, or provision by the establishment.
- i) This Section in no way limits a resident's choice regarding his/her diet.

## SUBPART I: PHYSICAL PLANT AND ENVIRONMENTAL REQUIREMENTS

**Section 295.9000 Physical Plant**

- a) The establishment shall comply with the National Fire Protection Association (NFPA) Life Safety Code 101, Chapter 22, Residential Board and Care Occupancies, local and State building codes for the building

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED RULES

- type, and accessibility standards of the Americans with Disabilities Act. (Section 20(1) of the Act)
- b) Each establishment shall meet the requirements of the Illinois Accessibility Code (71 Ill. Adm. Code 400).
- c) The establishment shall comply with all applicable local building codes, ordinances, fire codes, and zoning requirements. In the case of a conflict between a local requirement and this Part, the more stringent requirement shall apply. The establishment may petition the Department for a determination as to which requirement is applicable. The Department shall respond within 30 days after receipt of the petition.
- d) The water supply shall comply with all applicable State codes and local ordinances. Each establishment shall be served by:
  - 1) Water from a municipal water system; or
  - 2) A water supply that complies with the Department's Drinking Water Systems Code (77 Ill. Adm. Code 900); or
  - 3) A water supply that complies with the Department's Public Area Sanitary Practice Code (77 Ill. Adm. Code 895).
- e) All sewage and liquid wastes shall be discharged into a public sewage disposal system or shall be collected, treated, and disposed of in a private sewage disposal system that is designed, constructed, maintained and operated in accordance with the Department's Private Sewage Disposal Code (77 Ill. Adm. Code 905).
- f) The Department may grant a waiver of physical plant standards in accordance with Section 295.1070 of this Part (Waivers and Variations). The Department shall review waivers relating to physical plant standards issued pursuant to this Section at the time of the annual visits and shall renew waivers, unless:
  - 1) the condition of the physical plant has deteriorated or its use substantially changes so that the basis upon which the waiver was issued is materially different; or
  - 2) the establishment is renovated or substantially remodeled in such a way as to permit compliance with the applicable requirements without substantial increase in cost.
- g) Each unit in the establishment must include, at a minimum, the following:
  - 1) A lockable door. The key to the unit is to be kept by the resident. The establishment shall keep a key to all lockable doors, to be used only in the case of an emergency situation;
  - 2) A telephone jack; and
  - 3) An emergency communication response system that meets the following requirements:
    - A) Assisted living establishments shall have an electronic system in each unit.
    - B) Shared housing establishments shall have an effective procedure in place to ensure timely notification of an emergency situation.
    - C) Alzheimer's units shall have an electronic system available



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED RULES

- to staff and/or residents.
- h) Access to a common room, common bathroom, or another bedroom or unit shall not be through a bedroom or unit.
  - i) To provide natural light, a bedroom or unit shall have:
    - 1) A window to the outside; or
    - 2) A door made of glass to the outside.
  - j) Common areas shall be lighted to assure safety of residents.
  - k) To provide safe egress in an emergency situation, a bedroom or unit shall have a window to the outside that either:
    - 1) Meets the requirements of the local jurisdiction; or
    - 2) Has no dimension less than 20 inches, is at least 720 square inches, and has a window sill that is no more than 44 inches off the floor.
  - l) Each establishment shall provide individual mailboxes for residents.
  - m) An assisted living establishment shall have no units below ground level. A shared housing establishment may have units below ground level if the units have a window with direct access to the outside. Such windows shall meet local building codes and the Life Safety Code.
  - n) Illumination
    - 1) Illumination systems shall be installed and maintained to ensure sufficient general lighting, lighting for reading, night lighting for corridors and stairwells, and lighting for emergency and disaster situations. Outdoor areas shall be adequately illuminated.
  - o) Public Telephone
    - 1) An accessible pay telephone shall be located in a common area that allows residents and others to conduct private conversations.

#### Section 295.9010 Supplemental Physical Plant Requirements for Assisted Living Establishments

- a) Each unit shall have a bathroom that provides privacy when in use and that contains:
  - 1) An operational, flushable toilet;
  - 2) An operational sink, which may be provided in the same room as the toilet or in an adjacent room and shall not be used for food preparation;
  - 3) An operational tub or shower;
  - 4) A mirror, unless the resident's service plan requires otherwise;
  - 5) A means of ventilation or an operable window;
  - 6) If a shower or bathtub is provided, a nonporous surface for shower enclosures; clean, usable shower curtains; and slip-resistant surfaces in tubs and showers; and
  - 7) Grab bars for the toilet and tub or shower and other assistive devices, if identified in a resident's service plan, to provide for resident safety.
- b) If a bathroom has a door locking from the inside, an employee shall have a key.

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED RULES

#### Section 295.9020 Supplemental Physical Plant Requirements for Shared Housing Establishments

- a) Each unit and establishment common areas shall be equipped with smoke detectors that are hard wired into the electric system or battery operated and equipped with a device that warns of low battery. If a battery-operated system is used, the establishment shall test batteries at least monthly and change the batteries at least every six months. If more than two violations of an inoperative battery-operated smoke detector are cited in a 24-month period, the licensee shall hard wire the detectors into the electrical system.
- b) Shared housing establishments shall provide at least one tub and/or shower for every six residents and one toilet for every four residents. Each bathroom shall provide privacy when in use and shall contain:
  - 1) A mirror, unless the resident's service plan requires otherwise;
  - 2) A means of ventilation or an operable window;
  - 3) Nonporous surfaces for shower or tub enclosure; clean, usable shower curtains; and slip-resistant surfaces in tubs and showers; and
  - 4) Grab bars for the toilet and tub or shower and other assistive devices, if required in a resident's service plan, to provide for resident safety.
- c) If a bathroom has a door locking from the inside, an employee must have a key.

#### Section 295.9030 Furnishings

- a) Assisted Living Establishments
  - 1) A sink shall be provided in the same room as the toilet or in an adjacent room.
  - 2) Furnishings, if provided, shall include, at a minimum:
    - A) A bed, consisting of at least a frame and mattress that is clean and in good repair;
    - B) Adequate general and task lighting;
    - C) An easy chair;
    - D) A table and side chair where a resident may eat a meal;
    - E) Adjustable window covers that provide resident privacy; and
    - F) A dresser or other storage space for clothing and personal effects.
- b) Shared Housing Establishments. Furnishings, if provided, shall be maintained in a clean, safe condition and shall include, at a minimum:
  - 1) A bed, consisting of at least a frame and mattress that is clean and in good repair;
  - 2) Adequate general and task lighting;
  - 3) An easy chair;
  - 4) Adjustable window covers that provide resident privacy; and
  - 5) A dresser or other storage space for clothing and personal



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED RULES

effects.

## Section 295.9040 Environmental Requirements

- a) The establishment shall be kept in a clean, safe and orderly condition and in good repair.
- b) The establishment shall be free of odors.
- c) The establishment shall be free of insects and rodents.
- d) Garbage and refuse shall be stored in covered containers lined with plastic bags and shall be removed from the premises at least once a week.
- e) Hot water temperatures shall be maintained between 95° F and 120° F in the areas of a establishment used by residents.
- f) The supply of hot and cold water shall be sufficient to meet the personal hygiene needs of residents.
- g) Common bathrooms shall have toilet paper, soap and cloth towels, paper towels, or a mechanical air hand dryer accessible to residents.
- h) The establishment shall have an effective means of protecting clean linen from contamination during handling, transport and storage.
- i) Soiled linen and soiled clothing stored by the establishment shall be stored in closed containers away from food storage, kitchen, and dining areas.
- j) Oxygen containers stored by the establishment shall be maintained in an upright position or as otherwise prescribed by the manufacturer.
- k) All cleaning compounds, insecticides, and other potentially hazardous compounds or agents shall be stored in locked cabinets of rooms separate from food preparation and storage, dining areas, and medications.
- l) Combustible or flammable liquids and hazardous materials stored by an establishment shall be stored in the original labeled containers or safety containers outside the establishment or in an attached garage locked and inaccessible to residents.
- m) If the establishment allows pets or animals to be in the units, they shall be:
- 1) Controlled to prevent endangering the residents and to maintain sanitation;
  - 2) Licensed consistent with local ordinances; and
  - 3) Vaccinated as currently recommended by veterinarians.
- n) A first aid kit containing supplies in a quantity sufficient to meet the needs of all residents and employees shall be accessible to employees. First aid supplies include at least disposable bandage strips, sterile bandages or gauze pads, topical antiseptic solution, tweezers, scissors, tape, and disposable gloves.

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED RULES

Section 295.APPENDIX A Comprehensive Assessment Form  
Please print

## To Be Completed by Patient or Representative

|                                       |  |                                       |  |
|---------------------------------------|--|---------------------------------------|--|
| Patient Name: _____                   |  | Patient Representative, if any: _____ |  |
| Birth Date: _____                     |  | Address: _____                        |  |
| Phone: _____                          |  | Phone: _____                          |  |
| Address: _____                        |  |                                       |  |
| Other Emergency Contact Person: _____ |  |                                       |  |
| Address: _____                        |  |                                       |  |
| Phone: _____                          |  |                                       |  |

  

| Health History       |           |          |                     |             |          |
|----------------------|-----------|----------|---------------------|-------------|----------|
| TB/TB Contact        | yes _____ | no _____ | Bone/Joint problems | yes _____   | no _____ |
| Blood Disorders      | yes _____ | no _____ | Asthma              | yes _____   | no _____ |
| Diabetes             | yes _____ | no _____ | Allergies           | yes _____   | no _____ |
| Seizures             | yes _____ | no _____ | (list) _____        | Medications | _____    |
| Heart Problems       | yes _____ | no _____ | Other Concerns:     | _____       | _____    |
| Ear/hearing problems | yes _____ | no _____ | Hearing aid?        | yes _____   | no _____ |
| Eye vision problems  | yes _____ | no _____ | glasses?            | yes _____   | no _____ |
|                      | yes _____ | no _____ | Recent surgery:     | _____       | _____    |
|                      | yes _____ | no _____ | Serious injury:     | _____       | _____    |

DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF PROPOSED RULES

To Be Completed by Physician

|   |                    |                            |                    |
|---|--------------------|----------------------------|--------------------|
| Intravenous feeding   | yes _____ no _____ | if yes, self-administered? | yes _____ no _____ |
| Artificial therapy  | yes _____ no _____ | if yes, self-administered? | yes _____ no _____ |
| Gastronomy feeding  | yes _____ no _____ | if yes, self-administered? | yes _____ no _____ |
| Catheter insertion, irrigation and replacement, if yes, self-administered?    | yes _____ no _____ | yes _____ no _____         |                    |
| Routine maintenance of urinary catheter, if yes, self-administered?           | yes _____ no _____ | yes _____ no _____         |                    |
| Skilled wound care  | yes _____ no _____ | if yes, self-administered? | yes _____ no _____ |
| Skilled self-injection  | yes _____ no _____ | if yes, self-administered? | yes _____ no _____ |
| Routine insulin injections  | yes _____ no _____ | if yes, self-administered? | yes _____ no _____ |
| Number of skilled nursing visits required per week for above condition(s):    | _____              |                            |                    |
| Decubitus ulcers or exfoliative dermatitis, number, location and description: | _____              |                            |                    |

Height: \_\_\_\_\_ Weight: \_\_\_\_\_  
Functional status: \_\_\_\_\_

Recommendations for needs/modifications required (e.g., dietary, special equipment) if any: \_\_\_\_\_

Is the patient able to communicate his/her needs? If non-verbal means are used, please explain \_\_\_\_\_

Does the patient require more than minimal assistance moving to a safe area in an emergency? If yes, explain \_\_\_\_\_

DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF PROPOSED RULES

Does the patient require assistance with activities of daily living? If yes, explain what activities and what level of assistance \_\_\_\_\_

Does the patient require medication reminder, supervision of self-administered medication, medication administration? \_\_\_\_\_

Physician Signature \_\_\_\_\_ Date \_\_\_\_\_  
Address \_\_\_\_\_  
Phone \_\_\_\_\_

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED RULES

**Section 295.APPENDIX B Information to Be Provided to Alzheimer's/Dementia Clients**

An establishment that provides an Alzheimer's unit or special programming for Alzheimer's/dementia clients shall provide the following information to the client and/or representative prior to admission:

- Doors are or are not monitored;
- Individuals are or are not monitored about eating, drinking, and personal hygiene;
- Individuals will or will not be monitored for potentially dangerous behavior while in their rooms;
- Staffing ratio is at least:
  - \_\_\_\_\_ per resident during the day;
  - \_\_\_\_\_ per resident during the evening;
  - \_\_\_\_\_ per resident during the night;
- You will or will not be contacted with concerns that might require a change in the "care plan."

Signature of client or representative \_\_\_\_\_

A copy of this information shall be provided to the client and a copy shall be retained on file by the establishment

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED RULES

**Section 295.TABLE A Heat Index Table/Apparent Temperature**

(Air Temperature (degrees Fahrenheit))

|    | 70 | 75 | 80 | 85  | 90  | 95  | 100 | 105 | 110 | 115 | 120 | 125 | 130 | 135 |
|----|----|----|----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| 5  | 64 | 69 | 74 | 79  | 84  | 88  | 93  | 97  | 102 | 107 | 111 | 116 | 122 | 128 |
| 10 | 65 | 70 | 75 | 80  | 85  | 90  | 95  | 100 | 105 | 111 | 116 | 123 | 131 |     |
| 15 | 65 | 71 | 76 | 81  | 86  | 91  | 97  | 102 | 108 | 115 | 123 | 131 |     |     |
| 20 | 66 | 72 | 77 | 82  | 87  | 93  | 99  | 105 | 112 | 120 | 130 | 141 |     |     |
| 25 | 66 | 72 | 77 | 83  | 88  | 94  | 101 | 109 | 117 | 127 | 139 |     |     |     |
| 30 | 67 | 73 | 78 | 84  | 90  | 96  | 104 | 113 | 123 | 135 | 148 |     |     |     |
| 35 | 67 | 73 | 79 | 85  | 91  | 98  | 107 | 118 | 130 | 143 |     |     |     |     |
| 40 | 68 | 74 | 79 | 86  | 93  | 101 | 110 | 123 | 137 | 151 |     |     |     |     |
| 45 | 68 | 74 | 80 | 87  | 95  | 104 | 115 | 129 | 143 |     |     |     |     |     |
| 50 | 69 | 75 | 81 | 88  | 96  | 107 | 120 | 135 | 150 |     |     |     |     |     |
| 55 | 69 | 75 | 81 | 89  | 98  | 110 | 126 | 142 |     |     |     |     |     |     |
| 60 | 70 | 76 | 82 | 90  | 100 | 114 | 132 | 149 |     |     |     |     |     |     |
| 65 | 70 | 76 | 83 | 91  | 102 | 119 | 138 |     |     |     |     |     |     |     |
| 70 | 70 | 77 | 85 | 93  | 106 | 124 | 144 |     |     |     |     |     |     |     |
| 75 | 70 | 77 | 86 | 95  | 109 | 130 |     |     |     |     |     |     |     |     |
| 80 | 71 | 78 | 87 | 97  | 113 | 136 |     |     |     |     |     |     |     |     |
| 85 | 71 | 78 | 87 | 99  | 117 |     |     |     |     |     |     |     |     |     |
| 90 | 71 | 79 | 88 | 102 | 122 |     |     |     |     |     |     |     |     |     |
| 95 | 71 | 79 | 89 | 105 |     |     |     |     |     |     |     |     |     |     |

(Relative Humidity Percent)



ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Claiming Races
- 2) Code Citation: 11 Ill. Adm. Code 510
- 3) Section Numbers: Proposed Action  
510.210 Amendment
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) A Complete Description of the Subjects and Issues Involved: The time frame was increased from 30 to 60 days effective August 1, 2000. The organization representing the upstate thoroughbred horsemen requests the time frame for thoroughbred horses be changed back to 30 days.
- 6) Will these proposed amendments replace emergency amendments currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporation by reference? No
- 9) Are there any other proposed amendments pending in this Part? No
- 10) Statement of Statewide Policy Objectives: No local governmental units will be required to increase expenditures.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments should be submitted, within 45 days of this notice, to:

Mickey Ezzo  
Illinois Racing Board  
100 West Randolph, Suite 11-100  
Chicago, Illinois 60601  
(312) 814-5017

12) Initial Regulatory Flexibility Analysis:

- A) Types of small business affected: None
- B) Reporting, bookkeeping or other procedures required for compliance:  
None
- C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda which this rulemaking was summarized: This rulemaking was not included on either of the two most recent agendas because: The need for this rulemaking was not anticipated at the time the two most

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENT

recent agendas were submitted.

The full text of the Proposed Amendment begins on the next page:

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED AMENDMENT

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY

SUBTITLE B: HORSE RACING

CHAPTER I: ILLINOIS RACING BOARD

SUBCHAPTER C: RULES APPLICABLE TO ALL OCCUPATION LICENSEES

## PART 510

## CLAIMING RACES

## Section

|         |  |
|---------|--|
| 510.10  | Definition                                 |
| 510.20  | Claiming Eligibility                       |
| 510.30  | Form and Deposit of Claim                  |
| 510.40  | Errors which Invalidate Claim              |
| 510.50  | Refund of Voided Claim                     |
| 510.60  | Prohibited Action with Respect to Claim    |
| 510.70  | Horses under Lien                          |
| 510.80  | Affidavit May be Required                  |
| 510.90  | Claimant's Responsibility                  |
| 510.100 | Claimed Horse's Certificate                |
| 510.110 | Engagements of a Claimed Horse             |
| 510.120 | Protests of a Claim                        |
| 510.130 | Title to a Claimed Horse                   |
| 510.140 | Distribution of the Purse                  |
| 510.150 | Delivery of a Claimed Horse                |
| 510.160 | Trainer Responsibility for Post-Race Tests |
| 510.170 | Excusing Claimed Horse                     |
| 510.180 | Stable Eliminated by Fire or Other Hazard  |
| 510.190 | Entering Claimed Horse (Repealed)          |
| 510.195 | Determining Eligibility Dates              |
| 510.200 | Claimed Horse Racing Elsewhere             |
| 510.210 | Sale of a Claimed Horse                    |
| 510.220 | Illinois Rules Govern Claimed Horse        |
| 510.230 | Extension of Regular Meeting (Repealed)    |
| 510.240 | Claiming Authorization                     |
| 510.250 | Claiming Price                             |

AUTHORITY: Implementing and authorized by the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: Adopted at 5 Ill. Reg. 1686, effective February 16, 1981; amended at 5 Ill. Reg. 8300, effective August 5, 1981; codified at 5 Ill. Reg. 10911; amended at 7 Ill. Reg. 2167, effective February 4, 1983; amended at 7 Ill. Reg. 3197, effective March 14, 1983; amended at 8 Ill. Reg. 14992, effective August 6, 1984; amended at 14 Ill. Reg. 17636, effective October 16, 1990; amended at 17 Ill. Reg. 12423, effective July 15, 1993; amended at 17 Ill. Reg. 13612, effective July 30, 1993; amended at 18 Ill. Reg. 2064, effective January 21, 1994; amended at 18 Ill. Reg. 11607, effective July 7, 1994; amended at 19 Ill. Reg. 13887, effective October 1, 1995; amended at 20 Ill. Reg. 12473, effective

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED AMENDMENT

September 1, 1996; amended at 21 Ill. Reg. 951, effective January 7, 1997; amended at 24 Ill. Reg. 7386, effective May 1, 2000; amended at 24 Ill. Reg. 12722, effective August 1, 2000; amended at 24 Ill. Reg. 17480, effective November 8, 2000; amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 510.210 Sale of a Claimed Horse

- a) For harness racing, no horse claimed in a claiming race shall be sold or transferred wholly or in part to anyone within 60 days after the day it was claimed, except in another claiming race.
- b) For thoroughbred racing, no horse claimed in a claiming race shall be sold or transferred wholly or in part to anyone within 30 days after the day it was claimed, except in another claiming race.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Retailers' Occupation Tax2) Code Citation: 86 Ill. Adm. Code 130

3) Section Numbers: Proposed Action:  
 130.120 Amendment  
 130.2011 Amendment  
 130.2012 Amendment

4) Statutory Authority: 35 ILCS 120

5) A Complete Description of the Subjects and Issues Involved: The exemptions provided in subsections (28) and (29) of Section 2-5 of the Retailers' Occupation Tax Act were enacted effective January 1, 1996. No sunset date was provided in the Public Act that created these exemptions. Pursuant to the provisions of Section 2-70 of the Retailers' Occupation Tax Act, if a reasonable and appropriate sunset date is not specified in the Public Act that creates the exemption, credit, or deduction, a taxpayer shall not be entitled to take the exemption, credit, or deduction beginning 5 years after the effective date of the Public Act creating the exemption, credit, or deduction and thereafter. The sunset provisions of Section 2-70 are applicable to exemptions enacted after August 4, 1995. As a result, the exemptions provided in subsections (28) and (29) of Section 2-5 of the Retailers' Occupation Tax Act will sunset and no longer be available starting January 1, 2001. This proposed rulemaking amends the Sections that describe these exemptions and lists the last date when these exemptions may be taken.

6) Will this proposed amendment replace an emergency rulemaking currently in effect? Yes

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? Yes

| Section Numbers | Proposed Action | IL Register Citation         |
|-----------------|-----------------|------------------------------|
| 130.330         | Amendment       | 05/26/00, 24 Ill. Reg. 7617  |
| 130.605         | Amendment       | 09/08/00, 24 Ill. Reg. 13617 |
| 130.325         | Amendment       | 09/29/00, 24 Ill. Reg. 14393 |
| 130.901         | Amendment       | 11/13/00, 24 Ill. Reg. 16573 |
| 130.101         | Amendment       | 11/17/00, 24 Ill. Reg. 16986 |
| 130.540         | Amendment       | 11/17/00, 24 Ill. Reg. 16986 |

10) Statement of Statewide Policy Objectives: This rulemaking does not create a State mandate, nor does it modify any existing State mandates.

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENTS

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rulemaking may submit them in writing by no later than 45 days after publication of this notice to:

Terry D. Charlton  
 Associate Counsel  
 Illinois Department of Revenue  
 Legal Services Office  
 101 West Jefferson  
 Springfield, Illinois 62794  
 Phone: (217) 782-6996

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Any small business that sells or leases the types of computers and communications equipment and other equipment that would have qualified for the exemption regarding leases to exempt hospitals set out in subsection (28) of Section 2-5 of the Retailers' Occupation Tax Act, and any small business that sells or leases personal property that would have qualified for the exemption regarding leases to governmental bodies set out in subsection (29) of Section 2-5 of the Retailers' Occupation Tax Act

B) Reporting, bookkeeping or other procedures required for compliance:  
 None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: July 2000

The full text of the Proposed Amendments is identical to the text of the Emergency Amendment published in this issue of the Illinois Register on page  
1792.

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Use Tax
- 2) Code Citation: 86 Ill. Adm. Code 150
- 3) Section Numbers: Proposed Action:  
150.331 Amendment  
150.332 Amendment
- 4) Statutory Authority: 35 ILCS 105
- 5) A Complete Description of the Subjects and Issues Involved: The exemptions provided in subsections (22) and (23) of Section 3-5 of the Use Tax Act were enacted effective January 1, 1996. No sunset date was provided in the Public Act that created these exemptions. Pursuant to the provisions of Section 3-90 of the Use Tax Act, if a reasonable and appropriate sunset date is not specified in the Public Act that creates the exemption, credit, or deduction, a taxpayer shall not be entitled to take the exemption, credit, or deduction beginning 5 years after the effective date of the Public Act creating the exemption, credit, or deduction and thereafter. The sunset provisions of Section 3-90 are applicable to exemptions enacted after August 4, 1995. As a result, the exemptions provided in subsections (22) and (23) of Section 3-5 of the Use Tax Act will sunset and no longer be available starting January 1, 2001. This proposed rulemaking amends the Sections that describe these exemptions and lists the last date when these exemptions may be taken. It also notifies lessors that the property being leased under a qualifying lease entered into before January 1, 2001 will continue to be considered exempt until the time that the property is no longer subject to that qualifying lease or is used in any other non-qualifying manner.
- 6) Will this proposed amendment replace an emergency rulemaking currently in effect? Yes
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? Yes
- | Section Numbers | Proposed Action | IL Register Citation         |
|-----------------|-----------------|------------------------------|
| 150.337         | New Section     | 9/22/00, 24 Ill. Reg. 14197  |
| 150.105         | Amendment       | 11/17/00, 24 Ill. Reg. 17018 |
| 150.1310        | Amendment       | 12/01/00, 24 Ill. Reg. 17507 |
- 10) Statement of Statewide Policy Objectives: This rulemaking does not create a State mandate, nor does it modify any existing State mandates.
- 11) Time, Place and Manner in which interested persons may comment on this

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENTS

proposed rulemaking: Persons who wish to submit comments on this proposed rulemaking may submit them in writing by no later than 45 days after publication of this notice to:

Terry D. Charlton  
Associate Counsel  
Illinois Department of Revenue  
Legal Services Office  
101 West Jefferson  
Springfield, Illinois 62794  
Phone: (217) 782-6996

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Any small business that sells or leases the types of computers and communications equipment and other equipment that would have qualified for the exemption regarding leases to exempt hospitals set out in subsection (22) of Section 3-5 of the Use Tax Act, and any small business that sells or leases personal property that would have qualified for the exemption regarding leases to governmental bodies set out in subsection (23) of Section 3-5 of the Use Tax Act.

B) Reporting, bookkeeping or other procedures required for compliance:  
None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: July 2000

The full text of the Proposed Amendments is identical to the text of the Emergency Amendment published in this issue of the Illinois Register on page 1821.



## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Commercial Driver Training Schools

2) Code Citation: 92 Ill. Adm. Code 1060

3) Section Numbers: Proposed Action:  
1060.200 Amendment

4) Statutory Authority: Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/2-104(b)] and Article V of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 6, Art. V].

5) A Complete Description of the Subjects and Issues Involved: This rulemaking is being proposed to incorporate changes that were omitted at the last revision date; these changes are necessary due to previously enacted legislation.

6) Will this rulemaking replace any emergency rulemaking currently in effect?  
No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking will have no effects on local units of government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: The Secretary of State will fully consider all comments received within 45 days of the date this notice is published. All comments must be in writing and should be sent to:

Robert W. Mueller  
Assistant General Counsel  
2701 South Dirksen Parkway  
Springfield IL 62723  
217-782-5356

12) Initial Regulatory Flexibility Analysis: After careful consideration, the Secretary of State believes this proposed rulemaking may have an affect on some types of small businesses; therefore, a copy of this proposed rule has been submitted to the Small Business Office of the Department of Commerce and Community Affairs.

13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: This

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENT

rulemaking was not anticipated at the time of the two most recent regulatory agendas.

The full text of the Proposed Amendment begins on the next page:

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENT

TITLE 92: TRANSPORTATION  
CHAPTER II: SECRETARY OF STATE

## PART 1060

## COMMERCIAL DRIVER TRAINING SCHOOLS

- Section 1060.5 Definitions
- 1060.10 Unlicensed Person May Not Operate Driver Training School
- 1060.20 Requirements for School Licenses
- 1060.30 Driver Training Schools Names
- 1060.40 Refund of Application Fees
- 1060.50 School Locations and Facilities
- 1060.60 Driver Training School Student Instruction Record
- 1060.70 Driver Training School Course of Instruction
- 1060.80 Driver Training School Contracts
- 1060.90 Inspection of School Facilities
- 1060.100 Licenses
- 1060.110 Safety Inspection of Driver Training School Motor Vehicles
- 1060.120 Requirements to Obtain and Retain a Driver Training Instructor's License
- 1060.130 Examination for Driver Training Instructor
- 1060.140 Temporary Permit
- 1060.150 Driver Training School Responsibility for Employees
- 1060.160 Solicitation of Students and Pupils for Commercial Driver Training Instruction
- 1060.170 Hearings
- 1060.180 Teen Accreditation
- 1060.190 Denial, Cancellation, Suspension, and Revocation of Commercial Driver Training School's License and Instructor's License
- 1060.200 Commercial Driver's License and/or Endorsement and/or Accreditation

**AUTHORITY:** Implementing Article IV of the Illinois Driver Licensing Law of the Illinois Motor Vehicle Code [625 ILCS 5/Ch. 6, Art. IV] and authorized by Section 2-104(b) of the Illinois Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/2-104(b)].

**SOURCE:** Filed March 2, 1972; codified at 6 Ill. Reg. 12697; transferred from 23 Ill. Adm. Code 252.50 (State Board of Education) pursuant to Section 5-80(d) of the Illinois Administrative Procedure Act [5 ILCS 100/5-80(d)] and Section 6-411 of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-411] at 11 Ill. Reg. 1631, effective December 31, 1986; amended at 11 Ill. Reg. 17244, effective October 13, 1987; amended at 12 Ill. Reg. 13203, effective August 1, 1988; amended at 12 Ill. Reg. 19756, effective November 15, 1988; amended at 14 Ill. Reg. 8658, effective May 18, 1990; recodified at 17 Ill. Reg. 20006, effective November 3, 1993; amended at 18 Ill. Reg. 7788, effective May 9, 1994; amended at 20 Ill. Reg. 3861, effective February 14, 1996; amended at 22 Ill. Reg. 22069, effective December 2, 1998; emergency

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENT

amendment at 24 Ill. Reg. 8403, effective June 2, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15443, effective October 5, 2000; amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 1060.200 Commercial Driver's License and/or Endorsement and/or Accreditation

a) Accreditation of the Program - Each commercial driver training school that desires to offer instruction to those individuals who wish to obtain a CDL and/or endorsement and/or restriction must be accredited by the Secretary of State through the Department of Driver Services before such instruction can be offered or advertised.

1) Upon receipt of proper application for accreditation, the Secretary of State shall investigate the program and verify the information contained in the application. A Secretary of State employee shall contact the applicant and make an appointment to inspect the school's facilities. At the time of inspection, the Secretary of State employee shall verify that the school meets the standards for CDL accreditation set forth in subsections (b) through (f) of this Section in addition to all other applicable subsections within this Part. These standards shall be furnished to the school by the Secretary of State before the visit if the school requests them. If all qualifications and standards are met, the school shall be accredited to offer instruction on how to operate a vehicle with CDL and/or endorsement and/or restriction classification.

2) The CDL and/or endorsement and/or restriction accreditation is renewable on January 1 of each year, provided the school is in compliance with this Part.

3) Only qualified teaching personnel who already possess a CDL and/or endorsement and/or restriction classification may teach the drive portion of instruction.

b) Required facilities - All CDL and endorsement accredited schools must provide all classroom and vehicle facilities and equipment as prescribed in Article IV of the Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 6, Art. IV] and Section 1060.50 of this Part. Those who desire to provide instruction to person(s) who wish to obtain a CDL and/or endorsement and/or restriction classified license must additionally provide a vehicle training area, owned or leased by the school, with sufficient space to properly accommodate the number of vehicles the school has in operation and appropriate off-street maneuvers.

1) Required course of instruction:

A) CDL accredited driving schools must administer driving instruction that corresponds to a curriculum that will be provided to the school by the Secretary of State. Each CDL accredited driving school must provide the minimum of 160 hours of instruction in not less than a 4 week period to

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENT

each student as indicated in the curriculum.

- B) The following curriculum must be offered to each first time CDL student in a minimum of 4 weeks. Each student must receive 160 hours of CDL instruction allocated as follows:

- i) Classroom. 40 hours of classroom instruction; this includes, but is not limited to, preparation for the Secretary of State's written examinations and all chapters of this curriculum.
- ii) Range. 16 hours of training yard behind-the-wheel instruction. This requires one on one instruction with a properly licensed CDL instructor and vehicle on an approved training lot.
- iii) Over the Road. 16 hours of behind-the-wheel instruction on public streets and highways. This requires one on one instruction with a properly licensed CDL instructor and vehicle.
- iv) Observation. 10 hours of observation experience composed of observation of the practice range and over-the-road training.
- v) Remedial Training. 78 hours of additional classroom training, observation, and practice range/over-the-road training based on each CDL student's specific needs.

The training schedule outlined above must follow the Illinois Occupational Skill Standards, Entry-Level Truck Driver Manual endorsed for Illinois by the Illinois Occupational Skill Standards and Credentialing Counsel. This Manual is available from the Secretary of State Driver Facility, Ropollo Drive, Elk Grove Village IL 60007.

- C) Instructional materials shall be available and shall include at least one of the following: a 16 mm sound projector and screen, video equipment with films processed on video tape, a film or films.
- D) A professional library containing an assortment of reference and textbooks, pamphlets, and other publications including but not limited to the CDL Study Guide, which are available for the use of students and teachers.
- E) A brush-up course of instruction may be offered to individuals who currently hold or have held a CDL or its equivalent. The school must maintain records that verify students qualify for a brush-up course. This course may be offered on an hourly basis. No brush-up course may be offered to any individual who has never held a CDL or its equivalent.
- F) Classroom instruction - CDL and/or endorsement and/or restriction classification instruction.
  - i) Each classroom course must have a definite starting date and completion date. A listing of students

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENT

enrolled in each course shall be sent to the Secretary of State, within 3 days after the third day of classroom instruction, on forms provided by the Secretary of State.

- ii) Classroom instruction shall include subject matter relating to the rules of the road as contained in the CDL Study Guide, safe driving practices, pedestrian safety, defensive driving techniques, behavioral characteristics of drivers, federal regulations relating to the Department of Transportation and CDL standards (49 CFR 383), vehicle insurance, the use of safety devices, and the effects of alcohol and drugs on driving.
- iii) Practice driving instruction must comply with the curriculum provided by the Office of the Secretary of State.
- iv) Audio-visual materials shall be used as a supplement to the teacher's presentation, but not as a replacement. Reference materials are to be available to the students and their use assured by assignments. All assignments are to be made in advance of due dates and shall include outside reading as well as preparation for testing.
- v) A regular schedule of classroom testing shall be followed. Student progress is to be periodically evaluated. Criteria for passing or failing the course shall be evident to the student, and successful completion clearly defined.
- vi) Each student shall be informed, prior to the time instruction begins, of the amount of any and all fees or charges made for enrollment or registration, tuition, use of equipment, or materials provided by the CDL and/or endorsement and/or restriction accredited driver training program.
- vii) Instruction of each student in the class shall begin on the date and location designated by advertisement and continue throughout the designed period, unless the course is cancelled and the student is refunded any fees already paid.
- G) Laboratory Instruction - For persons taking instruction for CDL and/or endorsement and/or restriction classification.
  - i) Behind-the-wheel instruction shall not begin until such time as the student is enrolled in a classroom program of CDL and/or endorsement and/or restriction classification driver training and obtains the required knowledge for the safe operation of a vehicle in traffic as provided in 49 CFR 383.110-121.
  - ii) Each student must have in his/her possession when

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENT

engaged in vehicle operation a valid and properly classified instruction permit issued by the Secretary of State, unless previously licensed in a classification representative of the vehicle he/she intends to drive.

iii) Practice driving instruction shall include but not be limited to pre-trip inspection, actual experience in starting, stopping, shifting, turning, backing, docking, parking, steering, and emergency situation procedures.

iv) CDL skills testing **Behind-the-wheel-instruction** for "A" classification must be given in a representative power unit with a multi-range transmission with no fewer than 9 forward gears and a representative trailer at least 48 feet long with a tandem axle.

## 2) Student ratio per course

A) The total number of students enrolled in each CDL accredited course in any 30 day period shall not exceed 5 4 students per each currently licensed instructor.

B) The total number of students enrolled in each CDL accredited course in any 30 day period shall not exceed 6 students for each currently registered CDL vehicle.

## c) Classroom teacher qualifications

1) Each CDL and/or endorsement and/or restriction accredited driver training school must have at least one classroom instructor employed by the school, who meets the standards of Section 6-411 of the Illinois Vehicle Code [625 ILCS 5/6-411].

## 2) Required classroom teacher qualifications:

A) A driver training instructor teaching the classroom portion of a CDL and/or endorsement and/or restriction accredited course must comply with Sections 1060.120 and 1060.130 of this Part.

B) The instructor must possess good physical and mental health as determined by a physician. An application/physical examination form shall be provided by the Secretary of State which shall be completed by the instructor and a physician.

C) A classroom instructor must pass an objective type instructor written examination based upon the Illinois Vehicle Code, commercial school rules and regulations, and the Commercial Motor Vehicle Safety Act of 1986 (49 USC 2704). The written examination shall consist of 125 questions (90 multiple choice and 35 true/false) and the instructor must correctly answer 106 questions to pass.

d) CDL and/or endorsement and/or restriction behind-the-wheel teacher qualifications

1) Each CDL and/or endorsement and/or restriction accredited driver training school must have at least one behind-the-wheel instructor employed by the school, who meets the standards of

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENT

Section 6-411 of the Illinois Vehicle Code [625 ILCS 5/6-411].

## 2) Required behind-the-wheel teacher qualifications:

A) A driver training instructor teaching the behind-the-wheel portion of a CDL and/or endorsement and/or restriction accredited course must comply with the provisions of Sections 1060.120 and 1060.130 of this Part and be licensed in a classification representative of the vehicle in which they intend to teach for at least 3 consecutive years immediately prior to application (a 1 month lapse in renewal will not negate the 3 consecutive years requirement).

B) The instructor must possess good physical and mental health as determined by a physician. An application/physical examination form shall be provided by the Secretary of State which shall be completed by the instructor and a physician.

C) The instructor shall give instruction only in the classification and/or endorsement and/or restriction in which he/she is licensed.

D) A behind-the-wheel instructor must pass an objective type instructor written examination based upon the Illinois Vehicle Code, commercial school rules and regulations, and the Commercial Motor Vehicle Safety Act of 1986 (49 USC 2704) as provided for in subsection (c)(1)(C) of this Section. In addition, a behind-the-wheel instructor must pass a practical test regarding his/her ability to drive a vehicle of CDL and/or endorsement and/or restriction classification (92 Ill. Adm. Code 1030.85).

## e) Student Instruction Records

1) Records shall be maintained by schools that which document daily attendance, lesson time, and periodic evaluation of each student. Also recorded shall be the dates of classroom instruction, behind-the-wheel instruction and observation time. Students are to be identified by their social security numbers as well as by name, address, and other personal information. A driver license number also must be entered on the student record. Such records are to be on file in the office of the management for a period of 3 years.

2) The driver school with a CDL and/or endorsement and/or restriction accreditation must meet all requirements of Section 1060.60 of this Part.

3) The school and each student must maintain separate but identical logs of the student's behind-the-wheel instruction and observation time. The logs must include the dates of instruction, type of instruction, student/instructor signatures and odometer readings of the vehicles used for instruction.

4) A Secretary of State form shall be used for submitting names of those students who have satisfactorily fulfilled the CDL accreditation course. The form shall be signed by an authorized official of the school.



## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENT

- f) The Secretary of State shall suspend or revoke, cancel or deny the license and/or accreditation of any driver training school or driver training instructor if the school or instructor fails to comply with the provisions of this Part or 49 CFR 383.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Alternative Loan Program
- 2) Code Citation: 23 Ill. Adm. Code 2721
- 3) Section Numbers: 2721.20  
Proposed Action: Amendment
- 4) Statutory Authority: Implementing Sections 5 and 80 through 175 of the Higher Education Student Assistance Act [110 ILCS 947/5 and 80 through 175] and authorized by Section 20(f) and 140(a) of the Higher Education Assistance Act [110 ILCS 947/20(f) and 140(a)].

- 5) A Complete Description of the Subjects and Issues Involved: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing an initiative to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use. In addition to making minor technical and grammatical changes throughout this Part, ISAC proposes the following substantive amendments:

Section 2721.20 (a)(4) is being amended to allow students attending ISAC-approved institutions on a student visa to be eligible for alternative loans. Previously, these loans were available only to citizens or eligible noncitizens. This change will allow participating institutions to better meet the financial assistance needs of their students.

- 6) Will this rulemaking replace any emergency rulemaking currently in effect?  
No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Does this rulemaking contain incorporations by reference? No

- 9) Are there any other proposed rulemakings pending on this Part? No

- 10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)] and does not necessitate a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this notice to:

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENT

Thomas A. Breyer  
Deputy Program Officer  
Illinois Student Assistance Commission  
1755 Lake Cook Road  
Deerfield IL 60015  
(847)948-8500  
email:tbreyer@isac.org

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: January 2001

The full text of the Proposed Amendment begins on the next page:

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENT

TITLE 23: EDUCATION AND CULTURAL RESOURCES  
SUBTITLE A: EDUCATION  
CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2721  
ALTERNATIVE LOAN PROGRAM

| Section | Summary and Purpose      |
|---------|--------------------------|
| 2721.10 | Borrower Eligibility     |
| 2721.20 | Borrower Eligibility     |
| 2721.30 | Program Procedures       |
| 2721.40 | Institutional Procedures |

AUTHORITY: Implementing Sections 5 and 80 through 175 of the Higher Education Student Assistance Act [110 ILCS 947/5 and 80 through 175] and authorized by Sections 20(f) and 140(a) of the Higher Education Student Assistance Act [110 ILCS 947/20(f) and 140(a)].

SOURCE: Emergency rules adopted at 20 Ill. Reg. 8066, effective June 1, 1996, for a maximum of 150 days; emergency expired October 28, 1996; adopted at 20 Ill. Reg. 15061, effective November 4, 1996; Old Part repealed and New Part adopted at 21 Ill. Reg. 11011, effective July 18, 1997; amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 2721.20 Borrower Eligibility**

- a) A borrower for an alternative loan must be a student, parent or legal guardian of such a student who is:
- 1) enrolled, or accepted for enrollment, at an ISAC-approved institution which has certified the applicant as eligible for an alternative loan;
  - 2) enrolled on at least a half-time basis, unless the student is employed full-time while she/he is in school, in which case she/he may receive a loan while enrolled less than half-time;
  - 3) in good standing in accordance with the institution's policy of satisfactory academic progress; and
  - 4) a citizen or eligible noncitizen of the United States or attending an ISAC-approved institution on a student visa.
- b) The borrower, or co-signer if applicable, must be determined to be credit-worthy. In determining credit-worthiness, the lender shall consider information including, but not limited to, the following: debt-to-income ratio, payment histories, prior loan defaults, unsatisfied court judgments, real estate foreclosures, unsatisfied collection accounts, write-offs or repossessions.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENT

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: College Savings Bond Bonus Incentive Grant (BIG) Program
- 2) Code Citation: 23 Ill. Adm. Code 2771
- 3) Section Numbers: Proposed Action:  
APPENDIX A Amendment
- 4) Statutory Authority: Implementing and authorized by Section 8 of the Baccalaureate Savings Act [110 ILCS 920/8].
- 5) A Complete Description of the Subjects and Issues Involved: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing an initiative to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use. In addition to making minor technical and grammatical changes throughout this Part, ISAC proposes the following substantive amendments:

The Table of Grant Amounts contained in Section 2771.APPENDIX A has been updated to include the most recent sale of College Savings Bonds which took place in October of 2000.

- 6) Will this rulemaking replace any emergency rulemaking currently in effect?  
No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed rulemakings pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)] and does not necessitate a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this notice to:

Thomas A. Breyer  
Deputy Program Officer

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENT

Illinois Student Assistance Commission  
1755 Lake Cook Road  
Deerfield, IL 60015  
(847)948-8500  
email:tbreyer@isac.org

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: January 2001

The full text of the Proposed Amendment begins on the next page:

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENT

TITLE 23: EDUCATION AND CULTURAL RESOURCES  
SUBTITLE A: EDUCATION  
CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

## PART 2771

## COLLEGE SAVINGS BOND BONUS INCENTIVE GRANT (BIG) PROGRAM

## Section

- 2771.10 Summary and Purpose  
2771.20 Applicant Eligibility  
2771.30 Program Procedures  
2771.40 Institutional Procedures

## APPENDIX A Table of Grant Amounts

**AUTHORITY:** Implementing and authorized by Section 8 of the Baccalaureate Savings Act [110 ILCS 920/8].

**SOURCE:** Emergency rules adopted at 15 Ill. Reg. 15800, effective October 21, 1991, for a maximum of 150 days; emergency expired on March 19, 1992; adopted at 16 Ill. Reg. 6873, effective April 14, 1992; amended at 18 Ill. Reg. 10246, effective July 1, 1994; amended at 19 Ill. Reg. 8312, effective July 1, 1995; amended at 20 Ill. Reg. 9136, effective July 1, 1996; Old Part repealed and New Part adopted at 21 Ill. Reg. 11018, effective July 18, 1997; amended at 22 Ill. Reg. 11035, effective July 1, 1998; amended at 23 Ill. Reg. 7532, effective July 1, 1999; amended at 24 Ill. Reg. 9090, effective July 1, 2000; amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.



## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENT

GRANT AMOUNT PER \$5000 COMPOUND  
ACCREDITED VALUE AT MATURITY

| GRANT<br>BOND<br>MATURITY<br>(August 1) | 10/92<br>Bond Sale | 10/93<br>Bond Sale | 10/94<br>Bond Sale | 11/97<br>Bond Sale | 11/98<br>Bond Sale | 10/00<br>Bond Sale |
|---|--------------------|--------------------|--------------------|--------------------|--------------------|--------------------|
| 1994                                    | \$40               | -                  | -                  | -                  | -                  | -                  |
| 1995                                    | \$60               | \$40               | \$15               | -                  | -                  | -                  |
| 1996                                    | \$80               | \$60               | \$40               | -                  | -                  | -                  |
| 1997                                    | \$100              | \$80               | \$60               | -                  | -                  | -                  |
| 1998                                    | \$120              | \$100              | \$80               | -                  | -                  | -                  |
| 1999                                    | \$140              | \$120              | \$100              | -                  | -                  | -                  |
| 2000                                    | \$160              | \$140              | \$120              | -                  | -                  | -                  |
| 2001                                    | \$180              | \$160              | \$140              | -                  | -                  | -                  |
| 2002                                    | \$200              | \$180              | \$160              | \$80               | \$60               | \$40               |
| 2003                                    | \$220              | \$200              | \$180              | \$100              | \$80               | \$60               |
| 2004                                    | \$240              | \$220              | \$200              | \$120              | \$100              | \$80               |
| 2005                                    | \$260              | \$240              | \$220              | \$140              | \$120              | \$100              |
| 2006                                    | \$280              | \$260              | \$240              | \$160              | \$140              | \$120              |
| 2007                                    | \$300              | \$280              | \$260              | \$200              | \$180              | \$160              |
| 2008                                    | \$320              | \$300              | \$280              | \$220              | \$200              | \$180              |
| 2009                                    | \$340              | \$320              | \$300              | \$240              | \$220              | \$200              |
| 2010                                    | \$360              | \$340              | \$320              | \$260              | \$240              | \$220              |
| 2011                                    | \$380              | \$360              | \$340              | \$280              | \$260              | \$240              |
| 2012                                    | \$400              | \$380              | \$360              | \$300              | \$280              | \$260              |
| 2013                                    | \$420              | \$400              | \$380              | \$320              | \$300              | \$280              |
| 2014                                    | -                  | \$420              | \$400              | \$340              | \$320              | \$300              |
| 2015                                    | -                  | \$440              | \$420              | \$360              | \$340              | \$320              |
| 2016                                    | -                  | -                  | \$440              | \$380              | \$360              | \$340              |
| 2017                                    | -                  | -                  | -                  | \$400              | \$380              | \$360              |
| 2018                                    | -                  | -                  | -                  | \$420              | \$400              | \$380              |
| 2019                                    | -                  | -                  | -                  | \$440              | \$420              | \$400              |
| 2020                                    | -                  | -                  | -                  | -                  | \$440              | \$420              |
| 2021                                    | -                  | -                  | -                  | -                  | -                  | \$440              |
| 2022                                    | -                  | -                  | -                  | -                  | -                  | \$440              |

\* If no grant amount is shown, there were no bonds sold at that maturity for that particular issue.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENT

## Section 2771.APPENDIX A - Table of Grant Amounts

GRANT AMOUNT PER \$5000 COMPOUND  
ACCREDITED VALUE AT MATURITY

| GRANT<br>BOND<br>MATURITY<br>(August 1) | 1/88<br>Bond Sale | 10/88<br>Bond Sale | 11/89<br>Bond Sale | 11/90<br>Bond Sale | 9/91<br>Bond Sale |
|---|-------------------|--------------------|--------------------|--------------------|-------------------|
| 1991                                    | -                 | -                  | \$ 40              | -                  | -                 |
| 1992                                    | -                 | -                  | \$ 60              | \$ 40              | -                 |
| 1993                                    | \$100             | \$100              | \$ 80              | \$ 60              | \$ 40             |
| 1994                                    | \$120             | \$120              | \$100              | \$ 80              | \$ 60             |
| 1995                                    | \$140             | \$140              | \$120              | \$100              | \$ 80             |
| 1996                                    | \$160             | \$160              | \$140              | \$120              | \$100             |
| 1997                                    | \$180             | \$180              | \$160              | \$140              | \$120             |
| 1998                                    | \$200             | \$200              | \$180              | \$160              | \$140             |
| 1999                                    | \$220             | \$220              | \$200              | \$180              | \$160             |
| 2000                                    | \$240             | \$240              | \$220              | \$200              | \$180             |
| 2001                                    | \$260             | \$260              | \$240              | \$220              | \$200             |
| 2002                                    | \$280             | \$280              | \$260              | \$240              | \$220             |
| 2003                                    | \$300             | \$300              | \$280              | \$260              | \$240             |
| 2004                                    | \$320             | \$320              | \$300              | \$280              | \$260             |
| 2005                                    | \$340             | \$340              | \$320              | \$300              | \$280             |
| 2006                                    | \$360             | \$360              | \$340              | \$320              | \$300             |
| 2007                                    | \$380             | \$380              | \$360              | \$340              | \$320             |
| 2008                                    | \$400             | \$400              | \$380              | \$360              | \$340             |
| 2009                                    | -                 | -                  | \$400              | \$380              | \$360             |
| 2010                                    | -                 | -                  | \$420              | \$400              | \$380             |
| 2011                                    | -                 | -                  | -                  | \$420              | \$400             |
| 2012                                    | -                 | -                  | -                  | -                  | \$420             |

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Federal Family Education Loan Program (FFELP)2) Code Citation: 23 Ill. Adm. Code 27203) Section Numbers: Proposed Action:

|          |           |
|----------|-----------|
| 2720.20  | Amendment |
| 2720.30  | Amendment |
| 2720.40  | Amendment |
| 2720.50  | Amendment |
| 2720.60  | Amendment |
| 2720.70  | Amendment |
| 2720.130 | Amendment |

4) Statutory Authority: Implementing Sections 80 through 175 of the Higher Education Student Assistance Act [110 ILCS 947/80 through 175]; Title IV, Part B, of the Higher Education Act of 1965, as amended (20 USCA 1071 et seq.); and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)].

5) A Complete Description of the Subjects and Issues Involved: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing an initiative to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use. In addition to making minor technical and grammatical changes throughout this Part, ISAC proposes the following substantive amendments:

A new subsection (g) has been added to Section 2720.20 to reflect the introduction of the new blanket loan guaranty process which was authorized by Section 428(n) of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1998. Under this new process, an eligible lender may make loans without receiving prior approval from ISAC for individual loans to eligible borrowers enrolled in eligible programs at eligible institutions. This process is expected to improve the efficiency of the loan organization process, and significantly accelerate the delivery of student loan proceeds to borrowers. The new subsection requires lenders wishing to participate in this new process to execute a separate new agreement for this purpose.

Statutory citations referencing the Higher Education Act of 1965 have been updated in Sections 2720.30(e), 2720.70(a) and 2720.130(b), to conform to changes made in the Higher Education Amendments to 1998. Section 2720.40(c) has been updated to reflect that the lender-of-last-resort provisions now also apply to the Federal PLUS loan program of parent educational loans, in addition to subsidized and unsubsidized Stafford

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

## student loans.

Section 2720.40(e) has been amended to accommodate the passage of the new federal Electronic Signatures in Global and National Commerce Act (Public Law 106-229) which, when fully implemented, will allow the use of electronic signatures as a legal alternative to traditional written signatures on contracts such as loan promissory notes.

Section 2720.40(h) has been modified to be more flexible to schools in facilitating a wider variety of loan organization process options by allowing institutions to provide disbursement schedules either directly or through an agent.

Section 2720.50(d) has been modified to more accurately reflect that, under the previously mentioned new blanket guaranty process, a lender does not receive an individual loan guarantee notification prior to disbursement.

Language has been deleted in Section 2720.60(d) to reflect that lenders need no longer complete skip tracing activities prior to filing a default aversion assistance request. In some cases, ISAC performs this function for the lender upon request.

Section 2720.70(a), Reimbursement Procedures, has been updated to reflect that the Higher Education Amendments of 1998 added new categories of loan discharge, including unpaid refunds in closed schools and loan forgiveness for teachers.

6) Will this rulemaking replace any emergency rulemaking currently in effect?  
No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)] and does not necessitate a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this notice to:

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

Thomas A. Breyer  
Deputy Program Officer  
Illinois Student Assistance Commission  
1755 Lake Cook Road  
Deerfield IL 60015  
(847)948-8500  
email: tbreyer@isac.org

## 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

## 13) Regulatory Agenda on which this rulemaking was summarized: January 2001

The full text of the Proposed Amendment begins on the next page:

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2720

FEDERAL FAMILY EDUCATION LOAN PROGRAM  
(FFELP)

SUBPART A: FEDERAL LOAN PROGRAMS:

THE FEDERAL STAFFORD LOAN PROGRAM, FEDERAL  
PLUS PROGRAM, THE FEDERAL SUPPLEMENTAL LOANS FOR STUDENTS (SLS) PROGRAM,  
AND FEDERAL CONSOLIDATION LOAN PROGRAM

| Section | Summary and Purpose                        |
|---------|--|
| 2720.5  | Definitions (Repealed)                     |
| 2720.6  | Eligibility for ISAC Loan Guarantees       |
| 2720.10 | Lender Eligibility                         |
| 2720.20 | Educational Lender Eligibility             |
| 2720.25 | Institutional Eligibility                  |
| 2720.30 | Holder Eligibility                         |
| 2720.35 | Procedures for Obtaining a Guaranteed Loan |
| 2720.40 | One-Lender Requirement                     |
| 2720.41 | One-Holder Requirement                     |
| 2720.42 | Procedures for Disbursement and Repayment  |
| 2720.50 | Federal Consolidation Loan Program         |
| 2720.55 | Default Aversion Assistance                |
| 2720.60 | Reimbursement Procedures                   |
| 2720.70 | Student Guarantee Fee                      |
| 2720.80 | Guarantee Transfers                        |
| 2720.90 |  |

SUBPART B: ILLINOIS DESIGNATED ACCOUNT PURCHASE PROGRAM (IDAPP)

| Section  | Summary and Purpose    |
|----------|------------------------|
| 2720.105 | IDAPP Eligible Loans   |
| 2720.120 | IDAPP Eligible Lenders |
| 2720.130 |                        |

SUBPART C: ISAC ORIGINATED LOANS

| Section  | Summary and Purpose                                 |
|----------|---|
| 2720.200 | ISAC Originated Consolidation Loans                 |
| 2720.210 | Illinois Opportunity Loan Program (IOP)             |
| 2720.220 | Federal Family Education Loan Program (FFELP) Loans |

APPENDIX A Required Activities of Educational Lenders (Repealed)

AUTHORITY: Implementing Sections 80 through 175 of the Higher Education

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

Student Assistance Act [110 ILCS 947/80 through 175]; Title IV, Part B, of the Higher Education Act of 1965, as amended (20 USCA 1071 et seq.); and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)].

SOURCE: Adopted at 3 Ill. Reg. 4, p. 38, effective January 26, 1979; amended at 5 Ill. Reg. 8698, effective August 17, 1981; emergency rule and emergency repealer at 6 Ill. Reg. 7558, 7573, effective June 9, 1982, for a maximum of 150 days; new rules adopted at 6 Ill. Reg. 13799, effective October 25, 1982; old rules repealed at 6 Ill. Reg. 15254, effective December 3, 1982; emergency amendment at 7 Ill. Reg. 9942, effective August 8, 1983, for a maximum of 150 days; codified at 7 Ill. Reg. 13309; amended at 8 Ill. Reg. 876, effective January 9, 1984; amended at 8 Ill. Reg. 7286, effective May 18, 1984; amended at 8 Ill. Reg. 17006, effective September 5, 1984; amended at 9 Ill. Reg. 20796, effective January 1, 1986; amended at 11 Ill. Reg. 3181, effective January 29, 1987; emergency amendment at 11 Ill. Reg. 13669, effective August 5, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 14103, effective August 10, 1987; emergency amendment at 11 Ill. Reg. 18370, effective October 23, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20989, effective January 1, 1988; amended at 12 Ill. Reg. 6971, effective April 1, 1988; amended at 12 Ill. Reg. 11520, effective July 1, 1988; emergency amendment at 12 Ill. Reg. 15221, effective September 15, 1988, for a maximum of 150 days; emergency expired February 12, 1989; amended at 13 Ill. Reg. 2872, effective February 16, 1989; amended at 13 Ill. Reg. 8630, effective July 1, 1989; transferred from Chapter IX, 23 Ill. Adm. Code 1720 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2720 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17855; emergency amendment at 14 Ill. Reg. 4266, effective March 1, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 10553, effective July 1, 1990; amended at 14 Ill. Reg. 10941, effective July 1, 1990; emergency amendments at 15 Ill. Reg. 18769, effective January 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 4060, effective February 28, 1992; amended at 16 Ill. Reg. 11224, effective July 1, 1992; emergency amendment at 17 Ill. Reg. 2055, effective February 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 10506, effective July 1, 1993; amended at 18 Ill. Reg. 10254, effective July 1, 1994; emergency amendment at 18 Ill. Reg. 15636, effective October 15, 1994, for a maximum of 150 days; emergency expired March 13, 1995; amended at 19 Ill. Reg. 6215, effective April 15, 1995; amended at 19 Ill. Reg. 8320, effective July 1, 1995; amended at 20 Ill. Reg. 9147, effective July 1, 1996; amended at 21 Ill. Reg. 11038, effective July 18, 1997; amended at 22 Ill. Reg. 11051, effective July 1, 1998; amended at 23 Ill. Reg. 7537, effective July 1, 1999; amended at 24 Ill. Reg. 9101, effective July 1, 2000; amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: Federal Loan Programs:

THE FEDERAL STAFFORD LOAN PROGRAM, FEDERAL PLUS PROGRAM,  
FEDERAL SUPPLEMENTAL LOANS FOR STUDENTS (SLS) PROGRAM,  
AND FEDERAL CONSOLIDATION LOAN PROGRAM

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

## Section 2720.20 Lender Eligibility

## a) Lender Agreement

1) All approved lenders must execute an ISAC Lender Agreement prior to participating in the Federal Family Education Loan Program through ISAC. Lenders wishing to serve as lenders-of-last-resort are required to sign an additional Agreement which includes the provisions of Section 428(j) of the Higher Education Act, as amended.

2) Lenders must have received ED approval prior to executing a Lender Agreement.

3) The Lender Agreement shall include provisions requiring lenders to:

A) comply with statutes, federal regulations and State rules; and

B) provide such information as ISAC may request relating to borrower demographics, collection records and other documents ISAC may need to comply with federal regulations. (See Sections 2720.60(a) and 2720.70(c).)

4) Lenders and ISAC shall electronically transmit and receive loan guarantee data. ISAC shall provide the lender with program documentation and reasonable technical assistance related to electronic data exchanges. ISAC and the lender shall agree that the information and data shall be confidential and shall not be used, disclosed, sold or shared for any purpose other than that which is directly related to the administration of ISAC's guaranteed loan programs.

5) Termination of the Lender Agreement may be made by either the lender or ISAC with 30 days' written notice. Termination shall not affect any obligations incurred prior to the time such termination becomes effective.

b) Eligible lenders shall employ an adequate number of qualified persons to administer their responsibilities under ISAC's rules. In determining whether a lender employs an adequate number of qualified persons, ISAC considers the number of students aided, the number of applications evaluated and the amount of funds administered.

c) In addition to the provision of subsection (a), the Lender Agreement for insurance companies approved as lenders shall require:

1) advertising and promotional materials consistent with Section 149 of the Illinois Insurance Code [215 ILCS 5/149] and 50 Ill. Adm. Code 909; and

2) compliance with Sections 421 through 434 of the Illinois Insurance Code [215 ILCS 5/421 through 434], which prohibit unfair methods of competition and unfair and deceptive acts and practices.

d) A loan guarantee shall be cancelled if the lender fails to comply with federal regulations, statutes, ISAC rules or procedures, provided such failure impairs ISAC's ability to recover the expense of reimbursing



## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

- the lender for the defaulted loan.
- e) ISAC conducts compliance reviews to determine if approved lenders are complying with federal regulations, statutes and rules.
  - f) Lenders wishing to participate in ISAC-guaranteed loan programs shall submit an application which shall include, but not be limited to: servicing/secondary market agreements; previous compliance and audit reviews conducted by other guarantors and the Department of Education; documentation relating to the percentage of student loans as compared to other installment loan portfolios; default rates; policy and procedures manuals; promotional materials; a statement relating to previous and anticipated loan volume; and other similar information relating to student loans requested by ISAC to show the lender's qualifications for participation. Program participation will be determined by an examination of those materials and compliance with federal laws and regulations and State rules and statutes.
  - g) Lenders wishing to participate in a blanket guaranty program for ISAC-guaranteed loans must execute a Blanket Certificate of Loan Guaranty agreement.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 2720.30 Institutional Eligibility

- a) Institutional eligibility requirements are specified in federal regulations. Eligible postsecondary institutions include universities, colleges, graduate schools, schools of nursing, business, trade, technical and vocational schools. Correspondence institutions/programs are not eligible.
- b) Institutions must have executed a Program Participation Agreement with ED in order to participate in ISAC-guaranteed loan programs. (See 34 CFR 668.14.)
- c) An institution may not engage in loan origination activities. This prohibition shall not apply if the institution has an ED-approved Origination Agreement on file with ISAC and the institution has been approved as an educational lender. (See Section 2720.25 of this Part and 34 CFR 682.601.)
- d) Approved institutions shall provide ISAC with the current enrollment status of students whom the institution has certified as eligible borrowers in accordance with federal regulations. (See 34 CFR 682.610(c).)
- e) Applicant and approved institutions must demonstrate administrative capability and financial responsibility, as defined by federal regulations, in order to begin and to continue participation in ISAC-guaranteed loan programs. (See, e.g., 34 CFR 668.14, and 68.15 and 668.16.)
- f) Institutions wishing to participate in ISAC-guaranteed loan programs shall submit an application which shall include, but not be limited

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

- to: documentation from the U.S. Department of Education (ED) and the state in which it operates demonstrating authorization to offer educational programs; previous audit and compliance reviews conducted by other guarantors and ED; proof of accreditation; audited financial statements; student catalogs; promotional materials; policy and procedure manuals; documentation relating to default and student withdrawal rates; and other similar information requested by ISAC to show the institution's qualifications for participation. Participation will be decided by an examination of application materials and a determination of compliance with Federal laws and regulations and State statutes and rules. Institutions may appeal an administrative decision denying participation or limiting eligibility in accordance with ISAC appeal procedures. (See 23 Ill. Adm. Code 2700.70.) Institutions denied participation shall be eligible to reapply one year from the date of the initial ISAC letter denying eligibility.
- g) Institutions not maintaining the standards of administrative capability or financial responsibility demonstrated in their original applications for participation, or required by federal regulations, may be subject to administrative limitation, suspension or termination proceedings. (See 23 Ill. Adm. Code 2790.)
  - h) A foreign postsecondary institution, located outside the United States, is eligible to participate in ISAC-guaranteed loan programs provided it produces evidence to ISAC of current eligibility with ED (e.g., Program Participation Agreement, Institutional Eligibility Notice, etc.) or documentation of such eligibility is available directly from ED.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 2720.40 Procedures for Obtaining a Guaranteed Loan

- a) Borrowers who are eligible for a loan guarantee in accordance with Section 2720.10 are issued a notice of guarantee/disclosure statement. All promissory notes must be in a form approved by ED. No alteration or substitution may be used.
- b) All loans are made at the lender's discretion. When a lender rejects a borrower's request for a FFELP loan, the lender shall issue a notice of non-acceptance to the borrower.
- c) Lender-of-last-resort requirements:
  - 1) An applicant who is eligible for a Federal subsidized or unsubsidized Stafford loan or Federal PLUS loan guarantee pursuant to Section 2720.10 of this Part and who has received two denials from can request that ISAC make a referral to a lender-of-last-resort provided the applicant:
    - A) submits a written request for a lender-of-last-resort loan referral to ISAC, which is accompanied by two denials from

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

## ISAC-approved lenders;

- B) receives loan counseling information specifically designed to benefit an applicant seeking a lender-of-last-resort loan; and
- C) attends an ISAC-approved institution or, for a PLUS loan, is the parent of a student attending an ISAC-approved institution.
- 2) ISAC, within 60 days, will refer applicants to lenders-of-last-resort or will advise them that they do not meet the eligibility requirements of Section 2720.10 of this Part.
- 3) ISAC will act as a lender-of-last-resort or will refer the applicant to the Student Loan Marketing Association if it cannot refer the applicant to a lender-of-last-resort willing to make a subsidized or unsubsidized Stafford Loan within 60 days.
- d) The availability of an ISAC-guaranteed loan shall not be conditioned upon the purchase of credit life, life, accident, health or other forms of insurance.
- e) The promissory note must be signed in ink, or must bear a valid electronic signature, in accordance with federal law (see 15 USCA 7001 et seq.). Signature stamps shall not be used by the borrower.
- f) At the lender's discretion and in accordance with federal regulations, endorsers may be used for Federal PLUS Loans.
- g) Lenders shall obtain the names and addresses of at least two references from each loan applicant. Lenders shall submit the reference data to ISAC when requesting ISAC reimbursement pursuant to Section 2720.70.
- h) When certifying a borrower eligible for a loan guarantee, the institution shall provide ISAC a loan disbursement schedule consistent with Section 428G of the Higher Education Act of 1965, as amended (20 USCA 1078-7). Should the institution or its agent fail to provide ISAC a disbursement schedule that is consistent with federal law, ISAC shall assign the loan a disbursement schedule that is consistent with Section 428G of the Higher Education Act of 1965, as amended.

(Source: Amended at 25. Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 2720.50 Procedures for Disbursement and Repayment

- a) Disbursement and repayment procedures are specified in federal regulations.
- b) Prior to disbursement, the borrower shall execute a common ED-approved promissory note for the principal and interest on the loan. The lender shall retain the original copy of the promissory note.
- c) The lender shall transmit to ED any and all statements and reports necessary to obtain federal interest payments on the borrower's behalf. The lender shall not collect or attempt to collect from the borrower or ISAC any portion of the interest on the loan which is

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

## payable by ED.

- d) Except for loans pursuant to Section 2720.55, or loans made under a Blanket Certificate of Loan Guaranty agreement, the lender shall not disburse the proceeds of any loan on the borrower's behalf unless and until the lender shall have received from ISAC evidence of a guarantee. The lender shall inform ISAC of all disbursement dates.
- e) Federal Stafford and Federal PLUS Loan proceeds shall be transmitted directly to the institution.
- 1) Federal Stafford Loan checks shall be payable to the student borrower unless the institution requires all Stafford loan checks to be co-payable to the borrower and the institution. Federal PLUS Loan checks shall be co-payable or sent via EFT to the institution and the parent borrower. Federal Stafford or Federal PLUS Loan funds disbursed either via EFT or by Master Check to the institution shall include information identifying the names, Social Security Numbers and the loan amounts of the borrowers who are receiving a portion of the disbursement, and the names and the Social Security Numbers of the students on whose behalf the parents are borrowing.
- 2) Loan proceeds must be disbursed to the institution and delivered to the borrower no later than 90 days after the end of the loan period or 90 days after the date on which the student ceased to be enrolled at least half-time, whichever is earlier. If the loan proceeds are not delivered pursuant to this subsection, the school must request that the loan be canceled and must return any loan proceeds.
- 3) If the student has withdrawn from enrollment and federal regulations require the institution to submit a refund to the lender, either electronically or in the form of a check payable to the lender on behalf of the borrower, the institution shall provide simultaneous written notice to the borrower of the refund.
- A) If the institution fails to issue a timely refund, as defined by federal regulations (see 34 CFR 682.607(c)), the institution shall pay penalty interest.
- B) The penalty interest shall equal the total amount of interest and special allowance generated by the principal value of the refund amount. The penalty interest shall be computed from the date the refund was due until the date the refund was issued.
- C) The penalty interest shall be paid to the lender or subsequent holder.
- f) The borrower(s) shall have the right to prepay without penalty the whole or any part of a loan guaranteed hereunder.
- g) The lender or holder shall notify the borrower of the repayment options available, as specified in 34 CFR 682.209. The lender or holder shall send a repayment schedule to a FFELP borrower no less than 30 days nor more than 240 days before the first payment on the

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

- loan is due from the borrower.
- h) The lender or holder shall notify ISAC of payment in full or prepayment in full by the borrower.
  - i) In accordance with federal regulations, the lender or holder may extend the maturity date of any note.
  - j) Lenders or holders may exercise administrative forbearances, which do not require the agreement of the borrower, as authorized by Section 428(c)(3)(C) of the Higher Education Act of 1965, as amended, and by federal regulations.
  - k) Borrowers are entitled to deferments, which extend the maturity date of any note(s), under conditions established by federal regulations.
  - l) ISAC provides lenders or holders with the forms necessary for servicing their guaranteed loan portfolio (e.g., deferment forms, forbearance forms). Lenders and holders may use non-ISAC forms provided the alternative form meets the requirements of federal regulations and is compatible with ISAC's data processing requirements.
  - m) No note shall be sold or transferred by the lender except to an ISAC-approved lender, an ISAC-approved holder, or ISAC.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 2720.60 Default Aversion Assistance

- a) ISAC functions in a supplementary role to assist the lender or holder in its collection of a loan that is at least 60 days delinquent. After requesting default aversion assistance, the lender or holder shall continue with normal collection activity.
- b) The request for default aversion assistance must be sent to ISAC in accordance with the time frames specified in federal regulations and the Higher Education Act of 1965, as amended.
- c) For 10 or more requests ~~accounts~~ submitted in one month, the default aversion assistance request and subsequent default aversion transactions must be submitted electronically, in a format approved by ISAC, from which collection action can begin or cease immediately.
- d) If a borrower's address is unknown, the lender shall attempt to locate the borrower pursuant to federal regulations. (See CFR 682.411.) ~~The lender may file for default aversion or skip-tracing assistance when it has completed its skip-tracing efforts.~~ If it has not already done so, the lender shall file for assistance in accordance with the time frames specified in federal regulations and the Higher Education Act of 1965, as amended.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 2720.70 Reimbursement Procedures

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

- a) The lender or holder shall request reimbursement from ISAC within 60 days from the date the lender or holder receives a completed request for loan cancellation or discharge ~~forfeiture~~ due to death, total and permanent disability, attendance at a school that closes, false certification by a school of a borrower's eligibility for a loan, unpaid refunds in closed schools or teacher loan forgiveness, in accordance with federal regulations and the Higher Education Act of 1965, as amended. (See, e.g., 34 CFR 682.215, 682.502 and 682.409.)
- b) Requests for default reimbursement must be submitted to ISAC within the time frames specified in, and the lender or holder shall be reimbursed in accordance with, federal regulations and the Higher Education Act of 1965, as amended. In the case of a default on a Federal PLUS loan, the borrower, co-maker and endorser must meet the default criteria contained in federal regulations.
- c) The lender or holder must request ISAC reimbursement for a bankruptcy claim in accordance with federal regulations and the Higher Education Act of 1965, as amended. (See, e.g., 34 CFR 682.402.) The request for reimbursement must be submitted within 30 days after the lender's or holder's receipt of notice that collection on the debt is stayed, or 15 days upon notice of an adversary proceeding for undue hardship. A copy of the restraining order and the appropriate papers must be included. In the case of a bankruptcy involving a Federal PLUS loan, the borrower, co-maker and endorser must meet the bankruptcy criteria contained in federal regulations.
- d) Prior to reimbursement, the lender or holder must certify compliance with federal due diligence requirements and subsection (h) of this Section.
- e) Prior to reimbursement, the lender or holder must have remitted the guarantee fee established by Section 2720.80.
- f) The lender or holder shall forward to ISAC any payments made by or on behalf of the borrower after default reimbursement and shall advise ISAC of any subsequent information received concerning the borrower. Prior to reimbursement, all original notes or certified, true and exact copies of original notes must be properly endorsed and submitted to ISAC. If the notes have been lost or erroneously stamped "Paid in Full," the lender or holder shall execute a Hold Harmless Agreement with ISAC.
- g) No fee or charge to the borrower, other than the maximum interest rate prescribed by ED and the collection charges outlined in federal regulations (see 34 CFR 682.202(f) and (g)), including the student guarantee fee, and the federal loan origination fee, shall be contracted for or received by the lender.
- h) The lender or holder shall make a proper collection effort in accordance with acceptable practices of prudent lending institutions including, but not limited to, the collection activities required by federal regulations. (See, e.g., 34 CFR 682.402, 682.411 and 682.412.)
- i) ISAC shall collect the outstanding amount on the reimbursed guaranteed

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

loan. If the borrower refuses to retire the debt, ISAC shall follow the requirements of federal regulations. (See 34 CFR 682.410.)  
j) Should a borrower refuse to retire the debt, ISAC shall direct the State Comptroller to offset any payment from the State Treasurer to the borrower. The funds offset shall be remitted to ISAC and credited against the debt.

1) All offsets shall be processed in accordance with 74 Ill. Adm. Code 285.

2) ISAC shall not direct an offset if the borrower has maintained a satisfactory repayment record. (See 23 Ill. Adm. Code 2700.40(a)(1).)

3) ISAC shall notify a borrower of the possibility of an offset no less than 15 days prior to the first offset. ISAC may provide additional notice of subsequent offsets for the same debt. Should the borrower dispute the debt, an appeal must be filed within 15 days after and including the date of the notice. Appeals will be processed in accordance with 23 Ill. Adm. Code 2700.70. If the requested relief is granted, the funds offset shall be returned to the borrower.

4) Funds eligible to be offset include, but are not limited to, State income tax refunds and the wages of State employees.

k) ISAC shall provide a borrower with an opportunity for an administrative review of the legal enforceability or past-due status of the loan obligation after it pays a default claim but before it reports the default to a credit bureau or assesses collection costs against the borrower, in accordance with federal regulations (34 CFR 682.410(b)(5)(ii)(c)).

l) ISAC may garnish the disposable pay of a borrower if the individual is not currently making required payments, in accordance with Section 488A of the Higher Education Act, as amended.

m) ISAC requires the lender or holder to submit a request for an increase in claim payment within 90 days after receiving the claim payment. ISAC will provide the lender or holder with a determination on the increase in claim payment within 90 days after receiving the request and supporting documentation.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 2720.130 IDAPP Eligible Lenders

a) Prior to submitting accounts for purchase, the lender and ISAC must execute an IDAPP contract. The contract requires lenders to comply with statutes, federal regulations and State rules.

b) ISAC will purchase loans only from those lenders that have no inappropriate relationships with the institutions certifying the loans. An inappropriate relationship includes, but is not limited to, fiscal or loan service arrangements between commercial lenders and

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

institutions which are not permitted by law or federal regulation (34 CFR 682.212 682-205) and/or is of such a special nature that all institutions or all lenders under similar circumstances do not receive similar terms, conditions or services from the lender.

c) If it appears that the lender has violated one or more of ISAC's rules in the handling of any account, and if such violation contributed to the delinquent status of the account, ISAC will decline to purchase the account.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: General Provisions2) Code Citation: 23 Ill. Adm. Code 2700

- 3) Section Numbers:
- 2700.20      Proposed Action:
  - 2700.30      Amendment
  - 2700.40      Amendment

4) Statutory Authority: Implementing the Higher Education Student Assistance Act [110 ILCS 947]; Title IV of the Higher Education Act of 1965, as amended (20 USCA 1070 et seq., as amended by P.L. 105-244); and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)].

5) A. Complete Description of the Subjects and Issues Involved: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing an initiative to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use. In addition to making minor technical and grammatical changes throughout this Part, ISAC proposes the following substantive amendments:

In Section 2700.20, Definitions, a new definition has been added for "Blanket Certificate of Loan Guaranty" to reflect a new loan process which was authorized by Section 428(n) of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1998. Under this new process, an eligible lender may make loans without receiving prior approval from ISAC for individual loans to eligible borrowers enrolled in eligible programs at eligible institutions. This process is expected to improve the efficiency of the loan origination process, and significantly accelerate the delivery of loan proceeds to borrowers. The definition of "Institution of Higher Learning" has been modified to provide additional clarification of what the agency means by the term "located in Illinois." ISAC requires that an institution's main campus be physically located in Illinois.

In Section 2700.30 General Institutional Eligibility Requirements, changes have been made in an effort to clarify the eligibility criteria required of institutions wishing to participate in ISAC administered gift assistance programs. In Section 2700.30(i)(4), the provision allowing an institutional applicant to be considered prior to accreditation by the North Central Association (e.g., while in candidate status) is specifically limited to public or private not for profit institutions. The legislation that allowed certain not for profit institutions to

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

participate in gift assistance programs specifically required that these institutions be accredited by the North Central Association, among other requirements. As a result, candidacy status for these institutions would not be sufficient as it would conflict with the statute. In this same Section, the word "fully" has been deleted as an unnecessary modifier of the term "accredited." Also, an obsolete cross-reference to another Part has been deleted.

A change has been proposed to Section 2700.40(a)(1)(B) to clarify that a borrower may have eligibility for guaranteed loans reinstated by establishing a satisfactory repayment arrangement only one time. As previously stated, this subsection incorrectly implied that this remedy could be used only once per loan, which could potentially mean that an individual borrower could use this remedy more than once if they had multiple loans. In fact, federal law restricts the use of this remedy to one time per borrower.

6) Will this rulemaking replace any emergency rulemaking currently in effect?  
No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)] and does not necessitate a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this notice to:

Thomas A. Breyer  
Deputy Program Officer  
Illinois Student Assistance Commission  
1755 Lake Cook Road  
Deerfield IL 60015  
(847) 948-8500  
email: tbreyer@isac.org

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance:  
None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: January 2001

The full text of the Proposed Amendment begins on the next page:

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

## PART 2700

## GENERAL PROVISIONS

| Section | Summary and Purpose                            |
|---------|--|
| 2700.10 | Definitions                                    |
| 2700.20 | General Institutional Eligibility Requirements |
| 2700.30 | General Applicant Eligibility Requirements     |
| 2700.40 | Determining Applicant Eligibility              |
| 2700.50 | Use, Security and Confidentiality of Data      |
| 2700.55 | Audits and Investigations                      |
| 2700.60 | Appeal Procedures                              |
| 2700.70 | Contractual Agreement Requirements             |
| 2700.80 |  |

**AUTHORITY:** Implementing the Higher Education Student Assistance Act [110 ILCS 947]; Title IV of the Higher Education Act of 1965, as amended (20 USCA 1070 et seq., as amended by P.L. 105-244); and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)].

**SOURCE:** Adopted at 9 Ill. Reg. 20783, effective January 1, 1986; amended at 11 Ill. Reg. 3167, effective January 29, 1987; amended at 11 Ill. Reg. 14099, effective August 10, 1987; amended at 12 Ill. Reg. 11510, effective July 1, 1988; amended at 13 Ill. Reg. 8626, effective July 1, 1989; transferred from Chapter IX, 23 Ill. Adm. Code 1700 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2700 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17854; amended at 14 Ill. Reg. 10538, effective July 1, 1990; amended at 16 Ill. Reg. 11206, effective July 1, 1992; amended at 17 Ill. Reg. 10541, effective July 1, 1993; amended at 18 Ill. Reg. 10282, effective July 1, 1994; amended at 19 Ill. Reg. 8343, effective July 1, 1995; amended at 20 Ill. Reg. 9170, effective July 1, 1996; amended at 21 Ill. Reg. 11066, effective July 18, 1997; amended at 22 Ill. Reg. 11072, effective July 1, 1998; amended at 23 Ill. Reg. 7550, effective July 1, 1999; amended at 24 Ill. Reg. 9121, effective July 1, 2000; amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 2700.20 Definitions

"Academic Level" - The classification of a student as a freshman, sophomore, junior, senior, or graduate student.

"Academic Year" - In relation to scholarship and grant programs, a twelve month period of time, normally from August or September of any year through August or September of the ensuing year. In relation to the Federal Family Education Loan Program, academic year is defined at

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

Section 481(d)(2) of the Higher Education Act of 1965, as amended (HEA), and at 34 CFR 682.2.

"Alternative Loan" - Any educational loan made or purchased by ISAC other than a loan made pursuant to Title IV of the Higher Education Act of 1965, as amended (20 USCA 1071 et seq.), or any other federal statute providing for federal insurance of education loans to borrowers.

"Applicant" - Any individual who requests ISAC consideration for a scholarship, grant, tuition waiver, or guaranteed or alternative loan.

"Approved High School" - Any public high school located in this State; and any high school, located in this State or elsewhere (whether designated as a high school, secondary school, academy, preparatory school, or otherwise) which in the judgment of the State Superintendent of Education provides a course of instruction at the secondary level and maintains standards of instruction substantially the equivalent of those public high schools located in this State. (Section 10 of the Higher Education Student Assistance Act [110 ILCS 947/10])

"Armed Forces" - The United States Army, Air Force, Navy, Marines and Coast Guard.

"Blanket Certificate of Loan Guaranty" - A process that permits an eligible lender to make loans without receiving prior approval from ISAC for individual loans to eligible borrowers enrolled in eligible programs at eligible institutions, as authorized by Section 428(n) of the HEA.

"Chargeback" - Payment of tuition by the community college district of a student's residence to the community college district of a student's attendance. (See 110 ILCS 805/6-2.)

"Citizen" - One who, under the Constitution and laws of the United States, is a native-born or naturalized citizen of the United States of America.

"College Savings Bond" - A State of Illinois general obligation, zero coupon bond, issued pursuant to the Baccalaureate Savings Act as a long-term education savings instrument.

"Co-maker" - One of the two individuals who are joint borrowers either on a Federal PLUS Loan that was certified prior to January 1, 1995 or on any Federal Consolidation loan and who are equally liable for repayment of the loan. (See 34 CFR 682.200.)

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

"Commission" - The ten member Illinois Student Assistance Commission created by Section 15 of the Higher Education Student Assistance Act [110 ILCS 947/15].

"Compound Accredited Value" - An amount equal to the original amount plus an investment return accrued to the date of determination at a semiannual compounding rate which is necessary to produce the yield at maturity indicated on the Official Statement that was issued when the college savings bonds were sold. The "Compound Accredited Value at Maturity" will be equal to \$5000 or an integral multiple thereof.

"Concurrent Registration" - The simultaneous enrollment at two or more institutions.

"Consolidation" - A federal program under which a borrower may receive a single new loan that refinances one or more outstanding qualified education loans under new terms and conditions, as authorized by Section 428C of the HEA.

"Contractual Agreement" - The written agreement between an eligible institution and a school or organization that is not eligible for participation in ISAC-administered programs whereby the non-eligible institution provides part of the education program of students enrolled at the eligible institution, as codified in Section 2700.180. A contractual agreement differs from a consortium agreement, which is an agreement among two or more eligible institutions only.

"Correctional Officer" - An employee of the Illinois Department of Corrections (DOC) who is assigned to a security position with the Department, and who has responsibility for inmates of any correctional institution under the jurisdiction of the Department.

"Correspondence Course" - A home study course provided by an institution under which the institution provides instructional materials, including examinations on the materials, to students who are not physically attending classes at the institution, as defined at 34 CFR 600.2.

"Co-signer" - A person who is secondarily liable for the repayment of an Alternative Loan.

"Cost of Attendance" - For the purposes of ISAC's rules, this term is defined at Section 472 of the Higher Education Act of 1965, as amended (20 USCA 108711).

"Cumulative Grade Point Average" - The average grade earned throughout a student's applicable secondary or postsecondary educational program. The calculation shall be consistent with the institution's established

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

policy or practice and shall be the same as that completed for admission, placement or other similar purposes.

"Default Status" - The failure of a borrower to make an installment payment when due or to meet other terms of the promissory note as defined at 34 CFR 682.200.

"Delinquency" - For the purposes of ISAC's rules, this term is defined at 34 CFR 682.411(b).

"Dependent Student" - A scholarship, loan, tuition waiver or grant applicant or recipient who is not classified as an independent student.

"Disbursement" - In relation to scholarship and grant programs, a disbursement occurs on the payment voucher date. In relation to the Federal Family Education Loan Program, disbursement is the process of transferring loan proceeds as defined at 34 CFR 682.200.

"Distance Education" - A learning and teaching mode characterized by the separation of place and/or time between instructor and student, which includes programs and courses offered by correspondence and telecommunications.

"ED" - The acronym for the United States Department of Education.

"Educational Institution" - Unless otherwise qualified, any secondary or postsecondary educational organization with enrolls students who participate in ISAC programs.

"Educational Lender" - An institution that meets the lender eligibility criteria outlined in 23 Ill. Adm. Code 2720.25 for FFELP Loans and 2721.40 for alternative loans.

"EFT" - The acronym for electronic funds transfer.

"Eligible Noncitizen" - A noncitizen who is eligible for federal student assistance pursuant to Section 484 of the Higher Education Act of 1965, as amended. (See 20 USCA 1091.)

"Endorser" - A person who is secondarily liable for the repayment of a Federal PLUS Loan obligation.

"Enrolled" - The status of a student who has completed the institution's registration requirements and is attending classes.

"Executive Director" - The chief executive officer of ISAC.

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

"Expected Family Contribution" - The amount the student and the student's family may be reasonably expected to contribute toward the student's postsecondary education. Expected Family Contribution is defined at Section 474 of the Higher Education Act (HEA) of 1965, as amended. (See 20 USCA 1087nn.)

"FAFSA" - The acronym for the Free Application for Federal Student Aid.

"FAFSA Receipt Date" - The date reported by ED's processor as the date upon which it receives an applicant's initial FAFSA for an academic year. For paper FAFSA's sent through the U.S. Postal Service, this is the date of physical receipt at the processor, not the postmark date.

"Federal Regulations" - Refers to regulations promulgated by ED and codified at 34 CFR 600 et seq.

"FFELP" - The acronym for the Federal Family Education Loan Program, as authorized by Section 421 of the Higher Education Act, as amended, including subsidized and unsubsidized Federal Stafford Loans, Federal PLUS Loans, Federal SLS Loans and Federal Consolidation Loans.

"Fire Officer" - For the purposes of ISAC's rules, this term means a firefighter who is employed by, or in the voluntary service of, this State or any public entity in this State.

"Foreign Missionary" - An individual who is assigned duty outside of the United States by an organization that engages in educational, philanthropic, humanitarian or altruistic works. The missionary organization must be exempt from the payment of federal taxes and must have been engaged in placing foreign missionaries for at least five years. Examples of such missionary organizations include, but are not limited to, the following: Peace Corps, Evangelical Alliance Mission, etc.

"Full-time Student" - In relation to scholarship and grant programs, an individual enrolled for twelve or more credit hours, for either a semester or quarter term. In relation to the Federal Family Educational Loan Program, full-time student is defined at 34 CFR 682.200.

"Gift Assistance" - Student assistance funds in the form of a scholarship, grant or tuition waiver, including, but not limited to, federal, State, institutional and private aid.

"Good Moral Character" - An applicant is of good moral character if the applicant will benefit from postsecondary instruction and is allowed to enroll at an approved postsecondary institution.



## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

"Graduating Class" - The students who will complete the high school's program of instruction and graduate within an academic year.

"Guaranteed Loan(s)" - Loan assistance through the Federal Family Education Loan Program (FFELP) which includes the subsidized and unsubsidized Federal Stafford Loan, the Federal PLUS Loan, the Federal Supplemental Loans for Students (SLS), and the Federal Consolidation Loan programs.

"HEA" - The acronym for the Higher Education Act of 1965, as amended, and codified at 20 USCA 1070 et seq.

"Half-time Student" - In relation to scholarship and grant programs, an individual enrolled for six or more credit hours (but fewer than twelve credit hours) for either a semester or quarter term. In relation to the Federal Family Education Loan Program, half-time student is defined at 34 CFR 682.200.

"Holder" - An organization authorized by ED and ISAC to purchase or retain possession of guaranteed loans. These organizations operate as commercial and educational lenders or secondary markets and may purchase ISAC-guaranteed loans from approved lenders.

"IBHE" - The acronym for the Illinois Board of Higher Education, the administrative agency created by the Board of Higher Education Act [110 ILCS 947/205].

"IDAPP" - The acronym for ISAC's Illinois Designated Account Purchase Program as authorized by the Education Loan Purchase Program Law [110 ILCS 947/125 through 170].

"Independent Student" - For the purposes of ISAC's rules, an independent student is defined by Section 480 of the Higher Education Act of 1965, as amended by P.L. 102-325. (See 20 USCA 1087vv.)

"Institution" - Unless otherwise qualified, any secondary or postsecondary educational organization which enrolls students who participate in ISAC programs.

"Institution of Higher Learning" - An educational organization whose main campus is physically located in Illinois which:

provides at least a two-year program of collegiate study in liberal arts or sciences, or associate degree or both, directly applicable toward the attainment of a baccalaureate degree, or, a program in health education directly applicable toward the attainment of a certificate, diploma, or an associate degree; and

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

is operated:

by the State, or

publicly or privately, not for profit, or  
for profit, provided it:

Offers degree programs which have been approved by the IBHE for a minimum of three years under the Academic Degree Act, and

enrolls a majority of its students in these degree programs, and

maintains accredited status with the North Central Association of Colleges and Schools Commission on Institutions of Higher Education.

For otherwise eligible educational organizations which provide academic programs for incarcerated students, the term "institution of higher learning" shall specifically exclude academic programs for incarcerated students (Section 10 of the Higher Education Student Assistance Act).

"Institution of Record" - The postsecondary institution at which a student is enrolled and seeking a degree or certificate. This institution assumes primary responsibility for certification of eligibility for ISAC-administered programs and for requesting payment from ISAC.

"ISAC" - The acronym for the Illinois Student Assistance Commission, the administrative agency created by Section 15 of the Higher Education Student Assistance Act [110 ILCS 947/15] to administer student assistance programs.

"ISBE" - The acronym for the Illinois State Board of Education, the administrative agency created by the School Code [105 ILCS 5].

"Lender" - An organization authorized by ISAC to make educational loans to students.

"Mandatory Fees" - The charges assessed by an institution to each and every full-time student for each term. Application, graduation, laboratory, breakage, add/drop fees, and program administrative fees for out-of-state or foreign study are specifically excluded. For the purposes of ISAC's rules, tuition is not a mandatory fee.

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

"MAP" - The acronym for the Monetary Award Program administered by ISAC, as authorized by 110 ILCS 947/35 and codified at 23 Ill. Adm. Code 2735.

"Master Check" - A single check representing the loan proceeds for more than one borrower.

"Minority Student" - A student who is either Black (a person having origins in any of the black racial groups in Africa); Hispanic (a person of Spanish or Portuguese culture with origins in Mexico, South or Central America, or the Caribbean Islands, regardless of race); Asian American (a person with origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, including Pakistan, and the Pacific Islands, including, among others, Hawaii, Melanesia, Micronesia and Polynesia); or Native American (a person who is a member of a federally or state recognized Indian tribe, or whose parents or grandparents have such membership) and to include the native people of Alaska (Section 50(a) of the Higher Education Student Assistance Act).

"Parent" - For the purposes of ISAC's rules, this term is defined at 34 CFR 668.2.

"Pell Grant" - A federal gift assistance program administered by ED in accordance with Section 411 of the Higher Education Act of 1965, as amended. (See 20 USCA 1070a et seq.)

"PLUS" - The federal program which provides loans to parents of certain students, as authorized by Section 428B of the Higher Education Act of 1965, as amended (20 USCA 1078-2) and Sections 80 through 175 of the Higher Education Student Assistance Act [110 ILCS 947/80 through 175].

"Police Officer" - For the purposes of ISAC's rules, this term means a law enforcement officer who is employed by, or in the voluntary service of, this State or any public entity in this State.

"Qualified Applicant" - An individual who meets the eligibility requirements of the gift assistance program for which s/he is applying.

"Regular School Year" - An eight to nine month period of time which includes two semester terms or three quarter terms. The regular school year excludes summer terms. Terms that begin after April 15 and end before September 16 are considered summer terms.

"Remedial Courses" - The course work that prepares a student for study at the postsecondary level and is necessary for the student to pursue

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

the eligible postsecondary program.

"Resident of Illinois" -

A dependent student is a resident of Illinois if the parent of the dependent-applicant, who is required by the instructions to complete the Free Application for Federal Student Aid (FAFSA), physically resides within the State of Illinois and Illinois is his or her true, fixed and permanent home.

An independent student is a resident of Illinois if the applicant physically resides within the State of Illinois (at the time of application), and has so resided for a period of 12 continuous, full months immediately prior to the start of the academic year for which assistance is requested and Illinois is his or her true, fixed and permanent home.

When an applicant does not qualify as a resident of Illinois under the preceding two paragraphs and the applicant is a member of the U.S. Armed Forces or a foreign missionary, or is the dependent or the spouse of an individual who is a member of the U.S. Armed Forces or a foreign missionary, then the applicant's residency shall be determined in accordance with the following four paragraphs.

An applicant who is a member of the U.S. Armed Forces will be a resident of Illinois if the applicant physically resided in Illinois immediately prior to entering the U.S. Armed Forces, returned (or plans to return) to Illinois within six months after and including the date of separation and can demonstrate (pursuant to Section 2700.50(f) and (g)) that his/her domicile was the State of Illinois throughout such enlistment.

An applicant who is a foreign missionary will be a resident of Illinois if the applicant physically resided in Illinois for six continuous months immediately prior to entering missionary service, returned (or plans to return) to Illinois within six months after the conclusion of missionary service, and can demonstrate (pursuant to Section 2700.50(f) and (g)) that his/her domicile was the State of Illinois throughout such missionary service.

The dependent-applicant shall be a resident of Illinois notwithstanding the parent(s)' temporary physical absence from Illinois provided the parent(s) would be a resident of Illinois under the preceding two paragraphs.

The spouse-applicant shall be a resident of Illinois immediately

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

upon physically occupying a dwelling within the State of Illinois provided the applicant can demonstrate that his/her absence from the State was the result of residing with the spouse during enlistment or missionary service outside of Illinois and that the spouse-applicant's domicile continues to be the State of Illinois.

"Rules" - The rules of ISAC codified at 23 Ill. Adm. Code: Subtitle A, Chapter XIX.

"Satisfactory Academic Progress" - An institutional policy which establishes minimum standards of academic performance. For purposes of ISAC-administered programs, the standards must be at least as stringent as those required by ED pursuant to Section 484 of the Higher Education Act of 1965, as amended. (See 20 USCA 1091.)

"Service Academy" - *The U.S. Air Force Academy, the U.S. Coast Guard Academy, the U.S. Military Academy or the U.S. Naval Academy* (Section 30(a) of the Higher Education Student Assistance Act).

"SLS" - The acronym for the federal Supplemental Loans for Students Program, as authorized by Section 428A of the Higher Education Act, as amended (20 USCA 1078-1). No SLS loans have been made for periods of enrollment beginning on or after July 1, 1994.

"Special Education" - A postsecondary educational program designed to teach persons how to meet the needs of all children designated as physically disabled, with specific learning disabilities, or requiring extraordinary special education services and facilities. (See 105 ILCS 5/14-1.02 and 7.20a.) These programs prepare persons for meeting the needs of children who exhibit disabilities or exceptional characteristics ranging from very mild to very severe. (See 23 Ill. Adm. Code 226, Special Education.) Such a program prepares a student to teach physically disabled children or children with learning disabilities. (See 105 ILCS 5/14-1.02 and 1.03a.)

"Stafford" - The federal subsidized and unsubsidized loan programs as authorized by Sections 427, 428 and 428H of the Higher Education Act, as amended (20 USCA 1078).

"Student Beneficiary" - An individual designated as the recipient of a College Savings Bond Bonus Incentive Grant.

"Teacher Education Program" - An undergraduate postsecondary course of study which, upon completion, qualifies a student to be certified as a pre-school, elementary or secondary teacher by a state board of education or its equivalent (including the Illinois State Board of Education). For a student who has completed less than four

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

semesters/six quarters of postsecondary study, this includes a postsecondary course of study which leads to a teacher education program.

"Teacher Shortage Discipline" - An academic discipline in which a shortage of teachers exists in Illinois, as designated by the Illinois State Board of Education.

"Telecommunications Course" - A course offered principally through the use of television, audio, or computer transmission, including open broadcast, closed circuit, cable microwave, satellite, audio conferencing, computer conferencing, and video cassettes or disks, as defined at 34 CFR 600.2.

"Term" - A unit of time for student attendance, including, but not limited to, a quarter or semester.

"Tuition" - The charge for instruction assessed by an institution.

"Verification" - Procedures implemented by postsecondary institutions to verify the eligibility of applicants. The procedures are established by 34 CFR 668 et seq. and by ISAC's rules.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 2700.30 General Institutional Eligibility Requirements

## a) ISAC Program Participation Agreement

1) All institutions shall execute an ISAC Program Participation Agreement in order to participate in ISAC gift assistance programs.

2) The ISAC Program Participation Agreement shall identify the ISAC programs under which the institution's students may receive benefits.

3) The ISAC Program Participation Agreement shall include provisions requiring institutions to comply with statutes, federal regulations and State rules.

4) The ISAC Program Participation Agreement may be modified or terminated in accordance with 23 Ill. Adm. Code 2790, Limitation, Suspension or Termination Proceedings.

b) With respect to ISAC student assistance programs, institutions shall develop and maintain procedures to verify the consistency and accuracy of information received from their enrolled recipients.

c) Institutions shall be subject to possible limitation, suspension or termination of eligibility for failure to comply with statutes, regulations, rules or procedures and for failure to maintain the standards required by this Section for initial participation.

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

- (See 23 Ill. Adm. Code 2790.)
- d) Postsecondary institutions which participate in gift assistance programs shall annually submit to ISAC a copy of their tuition refund policy. Such submissions shall not be considered ISAC approval of such policies.
- e) Postsecondary institutions which participate in gift assistance programs shall annually report their tuition and fee charges to ISAC on or before June 1 preceding each academic year.
- 1) Failure to report any cost changes by the deadline will cause the prior year's charges to be used as part of the calculation process for gift assistance benefits. Failure to report the assessment of a fee charge by the deadline will result in that fee charge being ineligible for payment under ISAC gift assistance programs.
  - 2) The report shall match specific fee charges with the gift assistance program(s) which may finance the fee. Such categorizations by the institution shall not be considered ISAC approval.
  - 3) The Illinois National Guard Grant and the Illinois Veteran Grant (IVG) Programs may finance only a portion of certain fee charges. (See 23 Ill. Adm. Code 2730.10(c) and 2733.20(f).)
    - A) Example: One fee finances both tuition and text book expenses. Only the portion of the fee which is attributable to tuition expenses may be financed with program benefits.
    - B) Institutions with such a fee shall certify what percentage of the fee is eligible to be financed with program benefits. Certification shall be performed by the institution's chief fiscal officer.
  - f) Institutions shall submit additional reports, data and information to ISAC as may be requested. These inquiries include, but are not limited to, surveys, enrollment confirmations and evaluation instruments.
  - g) Additional institutional eligibility requirements are contained in subsequent Parts of ISAC's rules.
  - h) Postsecondary institutions may apply to participate in ISAC-guaranteed loan programs in accordance with 23 Ill. Adm. Code 2720.
  - i) Postsecondary institutions may apply to participate in ISAC gift assistance programs in accordance with this subsection.
    - 1) The Commission approves participation in ISAC gift assistance programs within an institution.
    - 2) Prior to applying for participation in ISAC gift assistance programs, the institutional applicant must have authority to operate a postsecondary institution in Illinois. (See 23 Ill. Adm. Code 1030.)
    - 3) Institutional applicants which are fully accredited by the North Central Association and have degree-granting authority may be approved to participate in ISAC gift assistance programs provided

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

- the institution meets and maintains the requirements of subsections (i)(4)(C) and (D) below.
- 4) Public or private not for profit institutional ~~institutional~~ applicants ~~that which~~ do not meet the requirements of subsection (i)(3) above may be approved to participate in ISAC gift assistance programs if the institution has:
    - A) obtained candidate status for North Central accreditation.
    - B) applied for and is seeking degree-granting authority.
    - C) obtained at least three letters indicating 'the transferability of academic credit from the applicant institution to other institutions. The letters must be from institutions which are approved to participate in the Monetary Award Program (MAP) and are fully accredited by the North Central Association. (See 23-III-Adm-Code-2733-60-)
    - D) an adequate number of qualified persons to administer their responsibilities under ISAC's rules. In determining whether an institution employs an adequate number of qualified persons, the Commission considers the number of students aided, the number of programs in which the institution participates, the number of applications evaluated, the amount of funds administered, and the financial aid delivery system used by the institution.
  - 5) Institutional applicants must also supply ISAC with audited financial statements, prepared by an independent third party in accordance with generally accepted accounting principles, to establish financial responsibility. (See, e.g., 34 CFR 668.15.)
  - 6) Once approved to participate in ISAC gift assistance programs by the Commission, an institution shall receive provisional eligibility for a minimum of five academic years. An institution with provisional eligibility must petition the Commission for full eligibility. Full eligibility will be granted if the institution meets the requirements of subsection (i)(3) above and if there are no outstanding audit exceptions.
  - j) As a condition of eligibility for participation in ISAC student assistance programs, postsecondary institutions shall have a valid Program Participation Agreement with ED (see Section 487 of the Higher Education Act of 1965, as amended (20 USC 1094)) and shall report their Office of Postsecondary Education Identification (OPE-ID) number to ISAC.
  - k) In order to begin and to continue participation in ISAC-administered student assistance programs, institutions must also demonstrate administrative capability and financial responsibility, as defined by federal regulations. (See, e.g., 34 CFR 668.15 & 668.16.) An institution's failure to meet and maintain those standards can lead to limitation, suspension or termination proceedings. (See 23 Ill. Adm. Code 2790.)
  - l) Institutions that have been assigned multiple main OPE-ID numbers will be considered separate entities by ISAC. Different campus codes



## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

associated with the same main OPE-ID number will not be considered separate entities.

- m) An institution shall notify ISAC of its Federal Employer Identification Number (FEIN) in order to receive payment pursuant to any ISAC-administered program.

- n) When an approved institution has a change of ownership resulting in a change of control, a change of location, or a change of name as defined by federal regulations, the institution's Program Participation Agreement with ED may be terminated. After an institution has undergone a change of status affecting its participation in any Title IV federal student financial aid programs, the institution may have its eligibility with ISAC reinstated by the execution of a new Program Participation Agreement with ED (see, e.g., 34 CFR 600.30 et seq.) and by the submission and approval of a new application for participation with ISAC.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 2700.40 General Applicant Eligibility Requirements

- a) Except as otherwise provided by this subsection, an applicant with a defaulted loan made pursuant to Title IV of the Higher Education Act is not eligible for benefits under ISAC-administered programs.

- 1) Eligibility for guaranteed loans may be reinstated in accordance with federal regulations and the following provisions:

- A) Eligibility for ISAC-guaranteed loans will be reinstated when:

- i) the debt has been paid in full;
- ii) the borrower has made a "satisfactory repayment arrangement," in accordance with 34 CFR 682.200;
- iii) the borrower's prior defaulted loan(s) has been rehabilitated, in accordance with 34 CFR 682.405; or
- iv) the borrower has made payments on a defaulted loan(s) to consolidate that loan(s) in accordance with 34 CFR 682.201.

- B) Borrowers are eligible to use subsection (a)(1)(A)(ii) above only one time ~~during the entire life of~~ **any loan**.

- C) Eligibility for ISAC-administered gift assistance will be reinstated for current and future terms when the applicant has maintained a satisfactory repayment record for at least six consecutive months or has met the requirements of subsection (a)(1)(A) above. Factors to be considered by ISAC in evaluating the repayment record include: the amount of the debt, the amount of the payments received by ISAC, the employment status of the applicant, and the frequency of the applicant's contact with ISAC.

- 2) A qualified applicant for Illinois Veteran Grant (IVG) assistance

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

(23 Ill. Adm. Code 2733) shall be permitted one term of assistance during which a satisfactory repayment record, as defined by subsection (a)(1)(C) above, must be established. If such a repayment record is not established, additional assistance shall be denied until a satisfactory repayment record is established.

- b) No applicant shall receive ISAC-administered assistance if the applicant owes a refund for any ISAC-administered gift assistance, a Federal Pell Grant, or a Federal Supplemental Educational Opportunity Grant (FSEOG) (20 USC 1070(b)).

- c) An applicant shall, upon request, provide documentation to establish and verify eligibility. (See Section 2700.50.) Failure to supply adequate documentation will result in the denial of student assistance benefits.

- d) An applicant supplying fraudulent data shall be denied assistance and may also be subject to prosecution by the Illinois Attorney General, United States Department of Justice and/or an Illinois State's Attorney.

- e) Each applicant must submit his/her Social Security Number (SSN).

- f) Recipients who cease to be residents of Illinois after notification of eligibility may complete the academic year with the assistance awarded.

- g) Unless otherwise provided, benefits under gift assistance programs are subject to the limits of dollars appropriated to ISAC by the Illinois General Assembly and approved by the Governor. If funding is available, assistance for summer terms or for attendance on a less than half-time basis shall be awarded separately.

- h) When gift assistance eligibility is limited to a specified number of term payments, the eligibility cap is calculated in accordance with this subsection.

- 1) For each semester term of full-time payment benefits, the recipient is assessed six eligibility units. For each quarter term of full-time payment benefits, the recipient is assessed four eligibility units.

- 2) For each semester term of half-time payment benefits, the recipient is assessed three eligibility units. For each quarter term of half-time payment benefits, the recipient is assessed two eligibility units.

- 3) Sixty eligibility units are the equivalent of payments for ten semesters/fifteen quarters of full-time benefits.

- 4) Forty-eight eligibility units are the equivalent of payments for eight semesters/twelve quarters of full-time benefits.

- i) An applicant shall comply with Selective Service registration requirements, pursuant to 34 CFR 668.31 et seq.

- j) Except for grants pursuant to 23 Ill. Adm. Code 2730 (Illinois National Guard Grant Program) and 23 Ill. Adm. Code 2733 (Illinois Veteran Grant Program), an applicant must be maintaining satisfactory academic progress in accordance with the institution's policy.

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

- k) Except for grants pursuant to 23 Ill. Adm. Code 2730 (Illinois National Guard Grant Program) and 23 Ill. Adm. Code 2733 (Illinois Veteran Grant Program), ISAC gift assistance benefits for courses utilizing distance education are limited to students enrolled in eligible degree or certificate programs who are eligible to receive Title IV, HEA program funds. (See 34 CFR 668.38.)
- 1) Except for grants pursuant to 23 Ill. Adm. Code 2730 (Illinois National Guard Grant Program) and 23 Ill. Adm. Code 2733 (Illinois Veteran Grant Program), students enrolled in academic programs while incarcerated are ineligible for ISAC gift assistance benefits.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Illinois Incentive For Access (IIA) Program
- 2) Code Citation: 23 Ill. Adm. Code 2736
- 3) Section Numbers: Proposed Action:  
2736.40 Amendment
- 4) Statutory Authority: Implementing Section 36 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/36 and 20(f)].
- 5) A Complete Description of the Subjects and Issues Involved: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing an initiative to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use. In addition to making minor technical and grammatical changes throughout this Part, ISAC proposes the following substantive amendments:
- A new provision is being proposed in Section 2736.40(f)(1) to permit schools to submit payment requests beginning ten days prior to the start of classes for the term for which they are requesting payment. This time frame now parallels the requirements for federal student aid programs, as well as a similar time frame instituted last year in Part 2735 for the Monetary Award Program (MAP), and is expected to facilitate the timely delivery of funds to needy students.

6) Will this rulemaking replace any emergency rulemaking currently in effect?  
No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)] and does not necessitate a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

publication of this notice to:

Thomas A. Breyer  
Deputy Program Officer  
Illinois Student Assistance Commission  
1755 Lake Cook Road  
Deerfield IL 60015  
(847)948-8500  
email: tbreyer@isac.org

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance:  
None

- C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: January 2001

The full text of the Proposed Amendment begins on the next page:

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES  
SUBTITLE A: EDUCATION

## CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

## PART 2736

## ILLINOIS INCENTIVE FOR ACCESS (IIA) PROGRAM

|         |                          |
|---------|--------------------------|
| Section | Summary and Purpose      |
| 2736.10 | Applicant Eligibility    |
| 2736.20 | Program Procedures       |
| 2736.30 | Institutional Procedures |
| 2736.40 |                          |

AUTHORITY: Implementing Section 36 and authorized by Section 20(f) of the Higher Education Student Assistance Act [10 ILCS 947/36 and 20(f)].

SOURCE: Emergency rules adopted at 20 Ill. Reg. 10397, effective August 1, 1996, for a maximum of 150 days; adopted at 20 Ill. Reg. 15067, effective November 15, 1996; Old Part repealed and New Part adopted at 21 Ill. Reg. 11110, effective July 18, 1997; amended at 22 Ill. Reg. 11095, effective July 1, 1998; amended at 24 Ill. Reg. 9144, effective July 1, 2000; amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

Section 2736.40 Institutional Procedures

- a) Claims for IIA-eligible students shall be submitted by the institution of record after the institution of record certifies to ISAC that the applicant meets the criteria listed in Section 2736.20, Applicant Eligibility.
- b) IIA grants are paid directly to the institution of record in two disbursements consisting of payments of \$250 each term.
- c) Notwithstanding the provisions of other ISAC-administered programs, the total amount of a student's gift assistance may not exceed the cost of attendance used to calculate Title IV aid for that student. If a student is receiving both MAP and IIA and the gift assistance exceeds the cost of attendance, IIA should be used first and MAP should be reduced to prevent an overaward.
- d) For institutions with concurrent registration opportunities:
- 1) the recipient must indicate his/her institution of record on the financial aid application;
  - 2) the institution of record shall distribute the appropriate share of the award to the other institution(s). Payment by ISAC will not be made to more than one institution;
  - 3) concurrent registration is limited to ISAC-approved institutions of higher learning; and
  - 4) the recipient's academic record(s) at the institution of record must document the total number of credit hours for which the student is enrolled.

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

- e) If a qualified applicant withdraws from enrollment after the expiration of the tuition refund/withdrawal adjustment period, the qualified applicant shall receive the IIA grant payment for that term.
- f) Institutional Processing of Payments:

- 1) Institutions may submit their payment requests beginning ten days prior to the start of classes for the term for which they are requesting payment.
- 2) To provide sufficient time for processing and vouchering through the State Comptroller's Office, all payment requests must be received by ISAC no later than August 1 following the academic year due to the State's fiscal year lapse period ending August 31.
- 3) Payment requests received after August 1 for the prior academic year will be processed as time and available funds permit. However, final action may require an institution to obtain payment for approved claims through the Illinois Court of Claims. (See the Court of Claims Act [705 ILCS 505].)
- 4) Within 30 days after receiving payment of any IIA funds, the institution shall credit the recipient's account for the appropriate term.
- 5) IIA award payments in the name of one recipient cannot be applied to another recipient at the same institution.
- 6) Following receipt of IIA payments from ISAC for the term, an institution is required to reconcile its records. If the institution determines that refunds are due, they are to be processed and returned to ISAC no later than 60 days following the end of the academic term. Should the payment arrive after the end of the term, the institution will have 60 days following the receipt of payment to complete the reconciliation process and return any funds due.
- 7) If the institution does not submit refunds as required by this Section, ISAC will deduct outstanding refunds from subsequent institutional IIA payments.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Illinois National Guard (ING) Grant Program
- 2) Code Citation: 23 Ill. Adm. Code 2730
- 3) Section Numbers: 2730.20  
Proposed Action: Amendment
- 4) Statutory Authority: Implementing Section 45 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/45 and 20(f)].
- 5) A Complete Description of the Subjects and Issues Involved: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing an initiative to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use. In addition to making minor technical and grammatical changes throughout this Part, ISAC proposes the following substantive amendments:  
  
An amendment has been proposed to Section 2730.20(a) to change the deadline for filing applications for first term award consideration from September 15 to October 1. It is hoped that by extending this deadline, applicants will still have time to apply for benefits on a timely basis after they have received their fall term bills, thereby eliminating a large number of appeals from later filers.

- 6) Will this rulemaking replace any emergency rulemaking currently in effect?  
No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed rulemakings pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)] and does not necessitate a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this notice to:



## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

Thomas A. Breyer  
Deputy Program Officer  
Illinois Student Assistance Commission  
1755 Lake Cook Road  
Deerfield IL 60015  
(847) 948-8500  
email:tbreyer@isac.org

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: January 2001

The full text of the Proposed Amendment begins on the next page:

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2730

ILLINOIS NATIONAL GUARD (ING) GRANT PROGRAM

|         |                          |
|---------|--------------------------|
| Section | Summary and Purpose      |
| 2730.10 | Applicant Eligibility    |
| 2730.20 | Program Procedures       |
| 2730.30 | Institutional Procedures |
| 2730.40 |                          |

**AUTHORITY:** Implementing Section 45 and authorized by Section 20(f) of the Higher Education Student Assistance Act [10 ILCS 947/45 and 20(f)].

**SOURCE:** Adopted at 3 Ill. Reg. 4, p. 38, effective January 26, 1979; rules repealed at 6 Ill. Reg. 8239, effective June 30, 1982; new rules adopted at 6 Ill. Reg. 8413, effective June 30, 1982; codified at 7 Ill. Reg. 10877; amended at 8 Ill. Reg. 17016, effective September 5, 1984; amended at 9 Ill. Reg. 20827, effective January 1, 1986; amended at 11 Ill. Reg. 3202, effective January 29, 1987; amended at 12 Ill. Reg. 11531, effective July 1, 1988; transferred from Chapter IX, 23 Ill. Adm. Code 1730 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2730 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17857; amended at 14 Ill. Reg. 10567, effective July 1, 1990; amended at 16 Ill. Reg. 11254, effective July 1, 1992; amended at 17 Ill. Reg. 10563, effective July 1, 1993; amended at 18 Ill. Reg. 10303, effective July 1, 1994; amended at 20 Ill. Reg. 9187, effective July 1, 1996; Old Part repealed and New Part adopted at 21 Ill. Reg. 11119, effective July 18, 1997; amended at 22 Ill. Reg. 11100, effective July 1, 1998; amended at 24 Ill. Reg. 9148, effective July 1, 2000; amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

Section 2730.20 Applicant Eligibility

- a) Students must file an application annually indicating the institution to be attended. No payment will be authorized for any applications until a current application is on file. The deadline for applications will be October 1 ~~September--15~~ for first term, March 1 for second semester/second and third quarter, and June 15 for the summer term.
- 1) Qualified applicants will receive an eligibility letter from ISAC for each academic year following the filing of the application. This letter must be delivered to the institution at which the student is enrolled. Ineligible applicants will receive written notification from ISAC of their ineligibility to receive program benefits; and
- 2) ISAC will verify application data in consultation with the

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

Illinois Department of Military Affairs when reviewing an application.

- b) Applicants must be in active status in the Illinois Army or Air National Guard and have served for at least one year in the Illinois National Guard. Eligibility is available to any such enlisted person or company grade officer, including warrant officers, first and second lieutenants, and captains in the Army and Air National Guard, except for those persons who are members of the inactive Illinois National Guard.
- c) Recipients must maintain an acceptable grade point average as determined by the institution pursuant to a published policy.
- d) Changes of address, name, status with the Illinois National Guard or institution of attendance must be reported in writing to ISAC.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Illinois Prepaid Tuition Program
- 2) Code Citation: 23 Ill. Adm. Code 2775
- 3) Section Numbers: Proposed Action:  
2775.30 Amendment  
2775.40 Amendment  
2775.50 Amendment
- 4) Statutory Authority: Implementing the Illinois Prepaid Tuition Act [110 ILCS 979] and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)].
- 5) A Complete Description of the Subjects and Issues Involved: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing an initiative to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use. In addition to making minor technical and grammatical changes throughout this Part, ISAC proposes the following substantive amendments:

A number of changes have been made at the request of the Internal Revenue Service (IRS). The IRS required that these changes be made to our rules as a condition of the IRS designating the Illinois Prepaid Tuition Program, College Illinois! as a qualified program under Section 529 of the Internal Revenue Code. Such designation is necessary in order for the participants in the program to qualify for important tax benefits on their accounts.

In Section 2775.40(c), the IRS required that we state that all contributions must be made in cash or its equivalent. In Section 2775.50(a), provisions have been added to more clearly provide that contributions on behalf of an individual beneficiary may not be in excess of the amount required for the higher education expenses of the beneficiary. In Section 2775.50(b)(3), the agency was required to state that no interest in a prepaid tuition contract may be used as security for a loan. In Section 2775.50(c)(1), language was added to state that a separate accounting will be provided for each designated beneficiary. And finally, a new subsection (c)(6) was added to Section 2775.50 to specifically prohibit the purchaser and beneficiary from directing the investment of contributions to the program.

In addition to the above changes required by the IRS, a number of related changes have been proposed in Sections 2775.30(a), 2775.50(e)(1) and 2775.50(e)(2). These changes clarify that, under the terms of the existing Master Agreement, in the event a substitute purchaser or beneficiary is

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENT

named pursuant to the provisions of the Agreement, neither the new purchaser nor the new beneficiary are required to be residents of Illinois, as is required of the initial purchaser or qualified beneficiary. For example, if an Illinois resident having purchased a tuition contract for his or her child should subsequently die and designate an out-of-state family member to assume the responsibility for the contract payments, the child would still be entitled to receive the originally contracted for benefits.

6) Will this rulemaking replace any emergency rulemaking currently in effect?  
No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)] and does not necessitate a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this notice to:

Thomas A. Breyer  
Deputy Program Officer  
Illinois Student Assistance Commission  
1775 Lake Cook Road  
Deerfield IL 60015  
(847) 948-8500  
email: tbreyer@isac.org

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: January 2001

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENT

The full text of the Proposed Amendment begins on the next page:

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENT

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

## PART 2775

## ILLINOIS PREPAID TUITION PROGRAM

Section  
2775.10 Summary and Purpose

2775.20 Definitions

2775.30 Participant Eligibility

2775.40 Program Procedures

2775.50 Contract Terms and Conditions

2775.60 Scholarships, Grants or Monetary Assistance

2775.70 Disclosure

**AUTHORITY:** Implementing the Illinois Prepaid Tuition Act [110 ILCS 979] and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)].

**SOURCE:** Adopted by emergency rulemaking at 22 Ill. Reg. 16652, effective September 11, 1998, for a maximum of 150 days; adopted at 23 Ill. Reg. 2591, effective February 1, 1999; amended at 24 Ill. Reg. 9154, effective July 1, 2000; amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 2775.30 Participant Eligibility**

- a) The purchaser or qualified beneficiary must have been a resident of the State of Illinois for twelve continuous full months on the date of the application. Proof of residency shall be submitted to ISAC upon request. In the event either a new purchaser or new beneficiary is named pursuant to the terms of the contract, neither the new purchaser nor new beneficiary need be a resident of Illinois. (See Section 2775.50(e).)
- b) For a purchaser, a qualified beneficiary, the parent or legal guardian of a qualified beneficiary, or a member of the family of a qualified beneficiary, evidence of residency may be provided by documentation consistent with the requirements of 23 Ill. Adm. Code 2700.50(g)(3).
- c) For the purpose of establishing the residency status of a minor child as a qualified beneficiary, a progress report from the child beneficiary's day care center, preschool, or other school of attendance indicating twelve months of residency in Illinois will also be considered sufficient evidence.
- d) In the absence of other proof of residency for the qualified beneficiary, the parents' or legal guardians' residency shall be determinative.
- e) There is no age limit with regard to the qualified beneficiary of an Illinois prepaid tuition contract.

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENT

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 2775.40 Program Procedures**

## a) Application/Master Agreement

1) The application period for purchases of contracts for the prepayment of postsecondary registration fees shall commence and terminate on dates set annually and announced publicly by the Commission.

2) After receipt and approval of the purchaser's application/master agreement, a participation and payment schedule shall be mailed to the purchaser. The contract itself shall be comprised of the application/master agreement, participation and payment schedule. The purchaser must sign and date the application for it to be deemed complete and valid.

3) Each prepaid tuition contract must have one person designated as purchaser and one person designated as qualified beneficiary.

## b) Contract Prices and Fees

The Commission shall annually review contract prices and adjust prices for new contracts, referencing annual changes in registration fees at Illinois public universities and Illinois community colleges. An implied interest rate for installment payment plans annually will be calculated, and subsequently approved or reaffirmed by the Commission as part of its pricing policy for the program. The Commission also annually shall approve a schedule of administrative fees or changes to fees for the program, including, but not limited to, application, late payment, cancellation and monthly maintenance fees.

## c) Payment Options

All contributions must be made in cash or its equivalent. Purchasers may make payments through a variety of means. Automated clearinghouse checks, payroll deductions or payments via coupon books will be acceptable. Payments are due in accordance with conditions set forth in the contract. Payments may be made by lump sum or by installments. All installment contracts shall be for a period of five years, except that contracts for at least 120 credit hours may be payable, by installments, over a 10-year period. No penalty shall be assessed for early payment of installment contracts.

## d) Delinquency and Default

Failure to make any payment within 15 days after the due date shall result in assessment of a late fee and suspension of the qualified beneficiary's rights under the plan. A purchaser may reinstate his or her status in good standing within 180 days after this delinquency, provided all delinquent amounts have been paid. If no payments have been received within 210 days after the scheduled payment date, the account is canceled and the purchaser is sent the appropriate refund amount.

## e) Termination



## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENT

There are two types of contract termination, involuntary and voluntary:

1) Involuntary termination shall occur upon a finding of fraud in the verification of residency of a qualified beneficiary at the time of application or the nonpayment of any appropriate payments due within established time frames.

2) Voluntary termination shall occur within 30 days after receiving written notice of a purchaser's desire to cancel a contract.

## f) Refunds

Generally, no refund shall exceed the amount paid into the Illinois Prepaid Tuition Trust Fund by the purchaser and no refund shall be authorized under any prepaid tuition contract for any term partially attended but not completed. Refunds shall be made payable to the order of the purchaser only. The Commission shall authorize refunds in excess of the amount paid into the Illinois Prepaid Tuition Trust Fund under the following conditions:

1) When a qualified beneficiary is awarded a grant or scholarship, the terms of which duplicate the benefits covered by his or her prepaid tuition contract, then the moneys paid for the purchase of the contract shall be returned to the purchaser, in term installments that coincide with the matriculation of the qualified beneficiary, in an amount equal to the lesser of:

- A) the original purchase price plus two percent interest compounded annually, or
- B) the current cost of the registration fees at the MAP-eligible institution at which the qualified beneficiary is enrolled.

2) In the event of death or total disability of the qualified beneficiary, moneys paid for the purchase of the contract shall be returned to the purchaser together with all accrued earnings.

3) In cases where a public university plan contract is converted for usage at an Illinois community college, then the amount refunded shall be on a term-by-term basis. The refund should be the current value of the original contract minus the current value of the contract after conversion.

4) In all instances of a voluntary contract cancellation, the amount refunded shall be the original purchase price of the contract plus two percent compounded annually, less a cancellation fee.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 2775.50 Contract Terms and Conditions

## a) Contract Types

The program shall offer purchasers at least two different types of contracts: a public university plan and a community college plan. Additional contract plans may be offered. All contract types shall

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENT

cover registration fees.

1) The public university plan specifies that no more than up-to 9 terms, or 135 credit hours, at an Illinois public university may be purchased for the benefit of a qualified beneficiary. Applicants may choose to purchase as little as one term, or 15 credit hours, at a time.

2) The community college plan specifies that no more than up-to 4 terms, or 60 credit hours, at an Illinois community college may be purchased for the benefit of a qualified beneficiary. Applicants may choose to purchase as little as one term, or 15 credit hours, at a time.

3) No more than an aggregate of 135 credit hours of benefits may be purchased on behalf of any qualified beneficiary.

## b) Contract Benefits

1) The registration fees contracted for by the purchaser shall be paid at the time of enrollment of the qualified beneficiary. The credit hours purchased may be used during any term of postsecondary undergraduate enrollment. To receive benefits under this program, a qualified beneficiary whose contract is in good standing will be issued an identification card. No identification card will be issued to a qualified beneficiary until a bona fide social security number is submitted.

2) Without exception, no contract benefits may be received by a qualified beneficiary of an Illinois prepaid tuition contract earlier than three years from the date the contract is purchased.

3) No interest in all or any portion of a contract may be used as security for a loan.

## c) Contract Requirements

1) Purchasers must name a qualified beneficiary in the application. Only one qualified beneficiary is allowed per contract. A separate accounting will be provided for each designated beneficiary.

2) In the event duplicate applications for the same qualified beneficiary are processed, the application processed first shall be deemed valid and the remaining application or applications shall be deemed valid, if and only if, they provide for registration fees not already covered by previous applications.

3) The purchaser does not have to designate the postsecondary institution which the qualified beneficiary is expected to attend.

4) The benefits of a contract may be used within three years in advance of the selected matriculation date indicated in the application with no penalty or additional cost. However, to utilize a contract prior to the selected matriculation date, the purchaser must pay the contract in full before changing such matriculation date.

5) Benefits may be received for up to a 10-year period after the qualified beneficiary's first enrollment date. This 10-year

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENT

limitation may be extended upon application to the Commission and the payment of a renewal fee assessed at that time. Any time spent by the qualified beneficiary in active military service shall not count as part of the time period for receiving contract benefits under all contract plans.

- 6) The purchaser and qualified beneficiary are prohibited from directing the investment of any contributions to the program.

## d) Contract Exclusions

- 1) Prepaid tuition contract plans do not cover payment of registration fees for graduate programs, adult basic programs, adult secondary programs, or postsecondary adult vocational programs.

- 2) Purchasers may request approval to apply unexpended prepaid tuition credits toward payment of graduate school registration fees, in cases where other prepaid tuition contract benefits already have been utilized for undergraduate education and an undergraduate degree has been conferred.

## e) Change of Purchaser and Change of Qualified Beneficiary

- 1) The purchaser of a contract may be changed upon written request of the original purchaser and the new purchaser. The new purchaser must meet the requirements of a qualified purchaser contained in the master agreement other than the residency requirement. (See Section 2775.30(a).)

- 2) Upon written request, contract benefits may be transferred by the purchaser to a new qualified beneficiary prior to actual use. The new qualified beneficiary must be a member of the family of the original qualified beneficiary but need not meet the residency requirement. (See Section 2775.30(a).)

## f) Benefit Portability and Conversion Between Illinois Public Universities and Illinois Community Colleges

- 1) Public university plan benefits may be converted for usage at community colleges and community college plan benefits may be converted for usage at public universities.

- 2) Benefits shall be converted by referencing the relative current average mean-weighted credit hour value of registration fees purchased under the contract. Such benefit conversions shall be authorized on a term-by-term basis and no fee shall be assessed for conversion of benefits among in-State public institutions.

## g) Benefit Portability and Conversion to Nonpublic and Out-of-State Higher Education Institutions

- 1) Public university plan and community college plan contract benefits may be converted for payment of registration fees at nonpublic and out-of-state not-for-profit higher education institutions.

- 2) Benefits shall be converted by referencing the current average mean-weighted credit hour value of registration fees purchased under the contract. Each term, the Commission shall cause to have transferred this amount, less a transfer fee, to the

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENT

nonpublic or out-of-state institution on behalf of the qualified beneficiary.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Illinois Veteran Grant (IVG) Program
- 2) Code Citation: 23 Ill. Adm. Code 2733
- 3) Section Numbers: 2733.20  
Proposed Action: Amendment
- 4) Statutory Authority: Implementing Section 40 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/40 and 20(f)].

5) A Complete Description of the Subjects and Issues Involved: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing an initiative to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use. In addition to making minor technical and grammatical changes throughout this part, ISAC proposes the following substantive amendments.

A number of related amendments have been proposed to Section 2733.20, Applicant Eligibility, all intended to clarify the requirements for an applicant's service and the necessary documentation of such service. In Section 2733.20(c), additional language has been added to clarify that an applicant who is still in the military may be considered for eligibility, provided that the initial active duty commitment has been completed, in order for the required characterization of service to be available. This also reduces any possible confusion that may have been caused by the use of the term "separation" for those applicants who are still in the Armed Forces.

The language in Section 2733.20(e) has also been amended to more accurately reflect existing policy that, in cases where an applicant had multiple periods of service, the characterization of service must be honorable for each period. Language has been clarified in Section 2733.20(i) to update terminology to better conform to current form designated and procedures.

- 6) Will this proposed amendment replace any emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does these proposed amendments contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENT

- 10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)] and does not necessitate a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this notice to:

Thomas A. Breyer  
Deputy Program Officer  
Illinois Student Assistance Commission  
1755 Lake Cook Road  
Deerfield IL 60015  
(847) 948-8500  
email:tbrey@isac.org

- 12) Initial Regulatory Flexibility Analysis:
  - A) Types of small businesses, small municipalities and not for profit corporations affected: None
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda on which this rulemaking was summarized: January 2001

The full text of the Proposed Amendment begins on the next page:

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENT

## TITLE 23: EDUCATION AND CULTURAL RESOURCES

## SUBTITLE A: EDUCATION

## CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

## PART 2733

## ILLINOIS VETERAN GRANT (IVG) PROGRAM

|         |                          |
|---------|--------------------------|
| Section |                          |
| 2733.10 | Summary and Purpose      |
| 2733.20 | Applicant Eligibility    |
| 2733.30 | Program Procedures       |
| 2733.40 | Institutional Procedures |

**AUTHORITY:** Implementing Section 40 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/40 and 20(f)].

**SOURCE:** Emergency rule adopted at 10 Ill. Reg. 14322, effective August 20, 1986 for a maximum of 150 days; emergency expired January 16, 1987; adopted at 11 Ill. Reg. 3207, effective January 29, 1987; amended at 12 Ill. Reg. 11536, effective July 1, 1988; transferred from Chapter IX, 23 Ill. Adm. Code 1733 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2733 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17858; amended at 14 Ill. Reg. 10571, effective July 1, 1990; emergency amendments at 15 Ill. Reg. 15613, effective October 11, 1991, for a maximum of 150 days; emergency expired March 9, 1992; emergency amendment at 15 Ill. Reg. 18778, effective January 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 6880, effective April 14, 1992; amended at 16 Ill. Reg. 11261, effective July 1, 1992; amended at 17 Ill. Reg. 10570, effective July 1, 1993; amended at 18 Ill. Reg. 10309, effective July 1, 1994; amended at 20 Ill. Reg. 9200, effective July 1, 1996; Old Part repealed and New Part adopted at 21 Ill. Reg. 11139, effective July 18, 1997; amended at 22 Ill. Reg. 11114, effective July 1, 1998; amended at 23 Ill. Reg. 7575, effective July 1, 1999; amended at 24 Ill. Reg. 9166, effective July 1, 2000; amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 2733.20 Applicant Eligibility**

a) A qualified applicant shall be any member of the Armed Forces of the United States who has served at least one year of active duty and whose separation from such service has been characterized as honorable provided he/she is he:

- 1) was a:
  - A) resident of Illinois at the time of entering service and after leaving the service returned to Illinois within 6 months; or
  - B) student at an Illinois public university or community college at the time of entering the service; and

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENT

2) established or plans to establish Illinois residency within 6 months after separation from the Armed Forces, or if married to a person in continued military service:

- A) applied for this grant within 6 months after and including the date the spouse was stationed within Illinois; or
  - B) established Illinois residency within 6 months after and including the date that the spouse was separated (if the spouse was stationed outside Illinois).
- b) A recipient must reside in Illinois unless the recipient is a member of the Armed Forces at the time of enrollment.
  - c) Any member of the Armed Forces of the United States who has served at least one year of active duty and who meets the Illinois residency requirements of this Section (i.e., subsections (a) and (b)), above, is a qualified applicant if his/her separation from such service was characterized as honorable. If the applicant is still in the Armed Forces, he/she must have completed his/her initial active duty commitment with service characterized as honorable. Upon discharge from the Armed Forces, the veteran shall be subject to verification of continued eligibility for assistance under this Part.
  - d) A recipient must maintain an acceptable grade point average as determined by the institution pursuant to a published policy.
  - e) An individual is not a qualified applicant unless ~~if~~ the individual's separation from the Armed Forces of the United States was characterized as ~~other-then~~ honorable for each period of service.
  - f) An individual is not a qualified applicant if the individual's active duty with the Armed Forces was for less than one year unless:
    - 1) the veteran's separation from such service for medical reasons as directly connected with such service was characterized as honorable; or
    - 2) the veteran's separation prior to August 11, 1967 was characterized as honorable; or
    - 3) the veteran's separation from such service, which included service in a foreign country in a time of hostilities in that country, was characterized as honorable. As used in this Section, "time of hostilities in a foreign country" means any action by the armed forces of the United States that is recognized by the issuance of a Presidential proclamation or a Presidential executive order and in which the armed forces expeditionary medal or other campaign service medals are awarded according to Presidential executive order.
  - g) Members of the Reserve Officer Training Corps (ROTC) and a state's National Guard are not eligible for assistance under this Part.
  - h) Applicants are not eligible if their only service has been attendance at a service academy.
  - i) In order to establish eligibility for this grant, an individual shall submit to ISAC an application and documentation of all periods of service.
  - 1) An applicant should submit a copy of his or her Certificate of



## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENT

Release or Discharge From Active Duty (Form DD Form 214) or Discharge Certificate, which can be obtained from the National Personnel Records Center or the Illinois Department of Veterans' Affairs.

- 2) If the applicant does not have a copy of the DD Form 214, he/she ~~she~~ should submit documentation which provides the following information: date of entry, date of separation, character of service, total active service, home or place of entry into the service, and home or place of separation from the service. Such documentation must have been issued by the United States Department of Defense (DD) or the Veterans' Administration.

- 3) If the applicant is a member of the Armed Forces at the time of application, he/she ~~she~~ shall submit a copy of the ~~original~~ ~~and/or~~ current Enlistment/Re-enlistment Document ~~Enlistment Contract--(Form--BB4794/37)~~ and a letter from the commanding officer. ~~If the veteran is in an initial enlistment, a copy of the original contract must be provided. If the veteran is on an enlistment extension, copies of all extension contracts and a letter from the commanding officer a copy of the current contract must be provided with the application as well as copies of all extension contracts.~~ The letter from the commanding officer must indicate that the applicant is a member of the Armed Forces at the time of application, must include the veteran's home of record at the time of original enlistment, and must state the veteran's length of time in service and the expiration date of the current enlistment.

- 4) The definition of "Resident of Illinois" contained in 23 Ill. Adm. Code 2700.20 is applicable to the Illinois Veteran Grant Program although residency, for the purposes of this program, can be established in six months. If the applicant's DD Form 214 does not indicate Illinois residency when entering and/or separating from the Armed Forces, he/she ~~she~~ may verify residency by providing one or more of the documents listed below:
- A) Illinois driver's license issued during the relevant six month period;

B) Illinois high school or college transcripts demonstrating attendance during the relevant six month period;

C) Utility bills/rent receipts in the applicant's name for the relevant six month period;

D) Illinois motor vehicle registration issued during the relevant six month period;

E) Residential lease in the applicant's name for the relevant six month period;

F) Statement of benefits history from the Illinois Department of Public Aid for the relevant six month period;

G) Statement of benefits from the Illinois Department of Employment Security for the relevant six month period;

H) State of Illinois identification card issued during the

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENT

relevant six month period; or  
I) Letter of employment verified by certification in accordance with Illinois law (see 735 ILCS 5/1-109) and printed on company letterhead.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Monetary Award Program (MAP)
- 2) Code Citation: 23 Ill. Adm. Code 2735
- 3) Section Numbers: Proposed Action:  
2735.30 Amendment  
2735.40 Amendment
- 4) Statutory Authority: Implementing Section 35 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/35 and 20(f)].
- 5) A Complete Description of the Subjects and Issues Involved: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing an initiative to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use. In addition to making minor technical and grammatical changes throughout this Part, ISAC proposes the following substantive amendments:

In Section 2735.30, Program Procedures, a number of changes have been made to language describing the priority consideration dates and priority processing guidelines. The date by which applications must be received from continuing students in order for them to be considered for full year MAP awards has been extended from July 15 to August 15. While previously the Commission has been able to extend to this date on an ad hoc basis, it would like to make this change permanent in order to provide students and families with more certain information earlier in order to facilitate their college planning decisions. This change also required some additional minor wording modification, since August 15 may now be prior to the academic year, or in some cases, may fall during the academic year. In Section 2735.30(k), some superfluous language has been deleted, since it appeared to be out of context, and did not add to the meaning of the existing text.

The language in Section 2735.40(g) has been modified to better reflect the increased use of electronic processing for MAP. In the order, paper-oriented process, a separate written certification was submitted with each roster. With the newer electronic process, under the terms of the institution's participation agreement, by submitting a payment request, the institution is certifying the eligibility of the applicants for whom payment is being requested.

- 6) Will this rulemaking replace any emergency rulemaking currently in effect?  
No

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed rulemakings pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)] and does not necessitate a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this notice to:

Thomas A. Breyer  
Deputy Program Officer  
Illinois Student Assistance Commission  
1755 Lake Cook Road  
Deerfield IL 60015  
(847) 948-8500  
email: tbreyer@isac.org

- 12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda on which this rulemaking was summarized: January 2001

The full text of the Proposed Amendment begins on the next page:

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

## TITLE 23: EDUCATION AND CULTURAL RESOURCES

## SUBTITLE A: EDUCATION

## CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

## PART 2735

## MONETARY AWARD PROGRAM (MAP)

|         |   |
|---------|---|
| Section | Summary and Purpose                           |
| 2735.10 | Applicant Eligibility                         |
| 2735.20 | Program Procedures                            |
| 2735.30 | Institutional Procedures                      |
| 2735.40 | Advance Payment Option                        |
| 2735.50 | Contractual Agreement Requirements (Repealed) |
| 2735.60 | Advance Payment Formula                       |

## APPENDIX A Advance Payment Formula

**AUTHORITY:** Implementing Section 35 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/35 and 20(f)].

**SOURCE:** Adopted at 9 Ill. Reg. 20857, effective January 1, 1986; amended at 11 Ill. Reg. 3225, effective January 29, 1987; amended at 11 Ill. Reg. 14134, effective August 10, 1987; amended at 12 Ill. Reg. 11546, effective July 1, 1988; transferred from Chapter IX, 23 Ill. Adm. Code 1735 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2735 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17864; amended at 14 Ill. Reg. 7242, effective May 1, 1990, amended at 16 Ill. Reg. 11296, effective July 1, 1992; emergency amendment at 16 Ill. Reg. 19237, effective November 23, 1992, for a maximum of 150 days; emergency expired on April 22, 1993; emergency amendment at 17 Ill. Reg. 6672, effective April 15, 1993, for a maximum of 150 days; emergency expired on September 18, 1993; amended at 17 Ill. Reg. 10596, effective July 1, 1993; amended at 17 Ill. Reg. 22576, effective January 1, 1994; amended at 19 Ill. Reg. 8369, effective July 1, 1995; amended at 20 Ill. Reg. 9227, effective July 1, 1996; Old Part repealed and New Part adopted at 21 Ill. Reg. 11184, effective July 18, 1997; amended at 22 Ill. Reg. 11149, effective July 1, 1998; amended at 23 Ill. Reg. 7592, effective July 1, 1999; amended at 24 Ill. Reg. 9187, effective July 1, 2000; amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 2735.30 Program Procedures

- a) An application for a MAP grant must be submitted annually. An applicant uses the form which the United States Department of Education (ED) designates as an application form for federal student financial aid. (See Section 483 of the Higher Education Act of 1965, as amended (20 USC 1070a).)
- b) Applicants, spouses and the parents of applicants are required to submit financial information on the application which will be kept confidential, regarding income, asset value and non-taxable income

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

(e.g., Temporary Assistance for Needy Families, public aid, veterans' or Social Security benefits).

## c) Priority Consideration Dates

In order to receive priority consideration for a full year award, an application from a student who had applied for a MAP grant for the previous regular school year must have a FAFSA receipt date of no later than August 15 of, or immediately prior to, the regular school year for which the application is being made. In order to receive priority consideration for a full year award, an application from a student who had not applied for a MAP grant for the previous regular school year must have a FAFSA receipt date of no later than September 30 of the regular school year for which the application is being made.

## d) Priority Processing Guidelines

1) Students who file applications will be considered for full or partial year MAP awards based on available funds and the following:

- A) For applications with a FAFSA receipt date of no later than August 15 of or preceding the regular school year for which assistance is being requested, students who had not applied for a MAP award the previous regular school year and students who did apply for a MAP award the previous regular school year will both be considered for full year awards;
- B) For applications with a FAFSA receipt date of August 16 or later, but no later than September 30, students who had not applied for MAP awards the previous regular school year will be considered for full year awards; while students who did apply for a MAP award the previous regular school year will be considered for second semester or second and third quarter awards only;
- C) For applications with a FAFSA receipt date of October 1 or later, and until the date of final suspension of award announcements for that regular school year, all students will be considered for second semester/second and third quarter awards only.
- 2) During the time periods referenced above, awards will be announced concurrently, both to students who had not applied for a MAP award the previous regular school year and to students who did apply for a MAP award during the previous regular school year. Award announcements will be made concurrently through the date of suspension of award announcements.
- 3) If it becomes necessary to suspend the processing of award announcements in order to remain within appropriated funding levels, the suspension will be applied concurrently to students who had not applied for a MAP award for the previous regular school year and to students who did apply for a MAP award the previous regular school year.
- 4) Corrections to applications received prior to the final

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

suspension of award announcements will be processed and announced up to two months after the final suspension date or until the completion of the processing cycle, whichever comes first.

- e) Students eligible for second semester/second and third quarter awards who have a FAFSA receipt date of August 16 or later and who are graduating mid-year may request that their second semester/second or third quarter award be used for first semester/quarter.
- f) To the extent necessary to administer the program within the limits of the MAP appropriation, the Commission may adjust the priority consideration dates and the priority processing guidelines established by this Section.
- g) When an application is incomplete, a notice will be sent to the applicant. The applicant then has an opportunity to furnish the missing information; however, depending on processing schedules, the applicant may be considered only for subsequent term awards.
- h) Applicants are informed that they are MAP recipients on the basis of application data supplied to ISAC. ISAC will recalculate awards for those applicants whose applications are not in basic agreement with their financial records, after receipt of corrected data. All announced MAP recipients are subject to verification.
- i) The Commission shall annually establish and publicize guidelines for the release of or increase in MAP awards as additional funds become available.
- j) MAP grants are applicable only toward tuition and mandatory fees. MAP grants may not exceed the:
  - 1) maximum award specified at 110 ILCS 947/35(c); or
  - 2) institution's tuition and mandatory fee charges on file with ISAC.
- k) The maximum MAP grant available to a recipient attending a public community college is limited to the in-district tuition and mandatory fees. It is the recipient's responsibility to make arrangements to pay the additional costs incurred as an out-of-district student. ~~The recipient is advised to contact the in-district-community-college and/or local high school regarding application procedures and deadline dates.~~
- l) Public community college award recipients shall be eligible for payment up to 19 hours (9.5 hours for half-time).
- m) A recipient may receive the equivalent of 10 semesters/15 quarters of full-time MAP grant payment (see 23 Ill. Adm. Code 2700.40(h)). Eligibility may be extended for one additional term if the recipient has accumulated fewer than 60 eligibility units but does not have enough units remaining for the number of hours that s/he is enrolled in for the term.
- n) Seniors in their last term of enrollment prior to receiving a baccalaureate degree and applicants enrolled in student teaching are classified as full-time students for purposes of MAP grant eligibility.
- o) The MAP grant shall not pay for academic programs intended to prepare

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

- a student for the General Educational Development (GED) test or for a high school diploma. (See, e.g., 23 Ill. Adm. Code 215.)
- p) The MAP grant shall not pay for audit courses, credit-by-examination and/or life experience, noncredit course offerings (except qualifying remedial courses), or clock hour programs. Such course work cannot be used to meet the half-time or full-time requirement. Remedial courses shall be eligible for MAP payment provided the student has been accepted into an eligible degree/certificate program and is taking the remedial courses as part of that program. Payment shall not be made for more than the equivalent of one year of remedial course work (i.e., 30 semester hours or 45 quarter hours). Repeat courses shall be eligible for MAP payment.
  - q) If a recipient withdraws from enrollment after the expiration of the tuition refund/withdrawal adjustment period, the recipient shall receive MAP grant payment for tuition and mandatory fee costs incurred up to the term award provided the institution's tuition refund policy indicates the recipient has incurred charges in the amount of the claim.
  - r) Eligibility units are accumulated by a recipient whenever MAP funds are disbursed on behalf of the recipient. (See 23 Ill. Adm. Code 2700.40(h).)
  - s) MAP grant payment is subject to the limits of dollars appropriated to ISAC by the General Assembly.
  - t) It is the responsibility of MAP recipients to gain admission to approved Illinois institutions of higher learning. Illinois institutions of higher learning are not obligated to admit MAP recipients. The institution is obligated to provide MAP recipients the same facilities and instruction, on the same terms, as are provided to other students.
  - u) If a recipient's academic program involves out-of-state and/or foreign study, enrollment must be in accordance with subsection (j) and the following provisions:
    - 1) The recipient must be enrolled at the ISAC-approved institution of higher learning, and the out-of-state/foreign study must be applicable to the student's degree or certificate program at the student's institution of record.
    - 2) The ISAC-approved institution of higher learning must record the course credits on the official academic transcript as institutionally earned credit and not as transfer credit.
    - 3) The recipient must be enrolled full-time.
    - 4) An institution shall not request more than two semesters/three quarters of MAP assistance for any one qualified applicant.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

- a) MAP recipients must report to the institution all additional gift assistance that applies toward tuition and mandatory fees, such as tuition waivers and scholarships.
- b) If a MAP recipient receives other assistance targeted specifically for tuition and fees, the combined assistance shall not exceed the total tuition and fee expenses incurred.
- c) If an applicant is eligible for assistance under the Illinois National Guard (ING) Grant Program or the Illinois Veteran Grant (IVG) Program (23 Ill. Adm. Code 2730 and 2733), the applicant is not eligible for a full MAP grant because ING and IVG must be factored into the financial aid packaging prior to awarding MAP gift assistance. The institution may request payment of a partial MAP grant to finance fee expenses not covered by the above-referenced programs.
- d) If an applicant is eligible to receive tuition or fee benefits through a prepaid or reimbursable tuition plan other than the Illinois Prepaid Tuition Program, College Illinois! (23 Ill. Adm. Code 2775), or through a payment to the institution of higher learning by the applicant's employer, the institution of higher learning shall request MAP payment in accordance with this subsection:
  - 1) A prepaid tuition plan is any program which exempts a student from tuition charges because of a payment(s) to the institution at a time prior to the student's enrollment. A reimbursable tuition plan is a program which reimburses a student for tuition costs after satisfactory completion of course work.
  - 2) The institution of higher learning shall recalculate the applicant's MAP eligibility by decreasing the applicant's tuition and fee charges by the amount of benefits the applicant is eligible to receive from the sources in subsection (d)(1) of this Section. The institution of higher learning shall report the applicant's reduced grant award on the payment request.
- e) The provisions of this Section shall not apply to benefits derived from the Baccalaureate Savings Act [110 ILCS 920] and 23 Ill. Adm. Code 2771.
- f) Notwithstanding the provisions of other ISAC-administered programs, the total amount of a student's gift assistance may not exceed the cost of attendance used to calculate Title IV aid for that student. Any excess gift assistance is considered an overaward and the institution of higher learning is required to reduce the MAP award and/or other gift assistance to prevent such an overaward.
- g) Institutions of higher learning shall submit payment requests to ISAC. By When submitting a payment request requests, an the institution is certifying shall-certify that the qualified applicants meet applicant meets the requirements of Section 2735.20, Applicant Eligibility.
- h) For any institution of higher learning which has concurrent registration opportunities, the following policy pertains:
  - 1) The recipient must indicate his/her institution of record on the MAP application.
  - 2) The payment of the term award by ISAC will require the

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

- institution of record to receive MAP payment on behalf of any other institution(s) and the institution of record shall distribute the appropriate share of the award to the other institution(s). Payment by ISAC will not be made to more than one institution.
- 3) The amount paid cannot exceed the maximum term award for full-time or half-time students at the institution of record, or the tuition and mandatory fee costs at the institution of record if the costs are less than the maximum term award.
  - 4) Concurrent registration is limited to ISAC-approved institutions of higher learning.
  - 5) The recipient's academic record(s) at the institution of record must document the total number of credit hours for which the student is enrolled.
  - i) If an Illinois institution operates an out-of-state center, residents of Illinois enrolled in classes at the out-of-state center may receive MAP benefits in accordance with Section 2735.30(u).
  - j) If an announced recipient's credit hour enrollment decreases, the institution shall only request payment up to the amount of actual tuition and mandatory fee expenses incurred.
  - k) Upon receipt of a payment request from the institution of record, ISAC remits MAP grant funds to the institution of record on behalf of the recipient. The institution of record shall credit these funds to the recipient's account.
  - l) MAP grants are divided into two semester or three quarter regular term payments and are paid directly to the approved institution of record which certifies to ISAC that the applicant is an eligible recipient.
    - 1) ISAC will annually establish priority claim dates for the return of payment request lists and inform schools of the required priority dates.
    - 2) Late payment requests will result in delayed processing of payments. Payment requests are processed in the sequence of receipt by ISAC and as funds are available.
    - 3) Institutions may submit their payment requests beginning ten days prior to the start of classes for the term for which they are requesting payment.
  - m) Institutional Processing of Payments
    - 1) Within 30 days after and including the date of receiving any MAP funds claimed or advanced pursuant to this Section, the institution shall credit the MAP funds against the recipients' tuition and mandatory fee charges for the appropriate term.
    - 2) Institutions are required to reconcile payments received through MAP. Any payments received by the institution that are determined in the reconciliation to be refunds payable to ISAC are to be processed and returned to ISAC no later than 60 days following the end of the academic term. Refunds may be caused by billing errors, retroactive withdrawals and other miscellaneous reasons. Should the payment arrive after the end of the term,

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

- the institution will have 60 days following receipt of payment to complete the reconciliation process and return any refunds due.
- 3) Award payments made in the name of one recipient cannot be applied to another recipient at the same institution. A refund of the payment made must be submitted to ISAC, and a supplemental request for payment must be processed for the proper recipient.
  - 4) To provide sufficient time for processing and vouchering through the State Comptroller's Office in Springfield, all payment requests must be received by ISAC no later than August 1 due to the State's fiscal year lapse period ending August 31.
  - 5) Payment requests received after August 1 for the prior academic year will be processed as time and available funds permit; however, final action may require institutions to go to the Illinois Court of Claims to obtain payment for approved claims. (See the Court of Claims Act [705 ILCS 505].)
  - 6) If the institution does not submit refunds as required by this Section, ISAC will deduct outstanding refunds from subsequent institutional payment requests.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Student To Student (SIS) Program Of Matching Grants
- 2) Code Citation: 23 Ill. Adm. Code 2770
- 3) Section Numbers: 2770.30  
Proposed Action: Amendment
- 4) Statutory Authority: Implementing Section 65 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/65 and 20(f)].
- 5) A Complete Description of the Subjects and Issues Involved: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing an initiative begun last year to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use. In addition to making minor technical and grammatical changes throughout this Part, ISAC purposes the following substantive amendments:  
  
An amendment has been proposed to Section 2770.30(f) to increase the maximum allowable contribution which a student can make, from \$9 to \$12 per academic year. Consideration of this change was suggested by the financial aid administrators representing the 12 public senior institutions in the State, citing the fact that the maximum contribution permitted has not been adjusted since the program's inception in 1970.
- 6) Will these proposed amendments replace any emergency amendment currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does these proposed contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)] and does not necessitate a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments to no later than 45 days after the publication of this notice to:

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

Thomas A. Breyer  
Deputy Program Officer  
Illinois Student Assistance Commission  
1755 Lake Cook Road  
Deerfield IL 60015  
847/948-8500  
email:tbreyer@isac.org

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance:  
None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda in which rulemaking was summarized: January 2001

The full text of the Proposed Amendment begins on the following page:

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES  
SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

## PART 2770

STUDENT TO STUDENT (STS) PROGRAM OF MATCHING GRANTS

|         |                          |
|---------|--------------------------|
| Section |                          |
| 2770.10 | Summary and Purpose      |
| 2770.20 | Applicant Eligibility    |
| 2770.30 | Program Procedures       |
| 2770.40 | Institutional Procedures |

**AUTHORITY:** Implementing Section 65 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/65 and 20(f)].

**SOURCE:** Adopted at 4 Ill. Reg. 6, p. 221, effective January 30, 1980; codified at 7 Ill. Reg. 9925; transferred from Chapter IX, 23 Ill. Adm. Code 1770 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2770 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17869; amended at 16 Ill. Reg. 11329, effective July 1, 1992; amended at 17 Ill. Reg. 10632, effective July 1, 1993; amended at 18 Ill. Reg. 10354, effective July 1, 1994; amended at 20 Ill. Reg. 9260, effective July 1, 1996; Old Part repealed and New Part adopted at 21 Ill. Reg. 11232, effective July 18, 1997; amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 2770.30 Program Procedures

- a) An eligible program is an organized, need-based monetary award (gift assistance) program for undergraduate students at an Illinois college or public university. The funds for those programs must be derived from voluntary contributions raised by students from students of that college or university according to a plan developed and approved by the students and consistent with college or university policies.
- b) Voluntary contributions can be obtained from graduate students; the assistance program, however, can aid only undergraduates. A portion of the total contribution can be used to aid graduate students. Funds set aside for graduate students will not be matched by ISAC.
- c) Students shall approve the plan for raising voluntary contributions by a majority of those voting in a campus-wide referendum.
- d) The contributions, to be eligible for matching funds, must be voluntary and optional (as contrasted to a nonrefundable fee or charge). Only those voluntary contributions made by enrolled students of the college or university are eligible for matching. If any fund-raising activity yields contributions from other individuals or organizations, the voluntary contributions by enrolled students must

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

- be clearly identifiable.
- e) Particular care must be employed in implementing contribution plans that generate contributions from nonstudents. The law leaves no latitude in this regard. Special cash receipt systems must be used to make certain that student contributions are clearly identifiable.
- f) No eligible contribution can exceed \$12 \$9 per academic year.
- g) The \$1,000 annual limit on an STS award shall be applicable to all terms, including the summer term.
- h) STS funds can be used for undergraduates who are otherwise eligible for an ISAC Monetary Award grant but have completed their 10 semesters or 15 quarters of eligibility.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## ENVIRONMENT PROTECTION AGENCY

## NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Procedures for Collection of Review and Evaluation Services Costs
- 2) Code Citation: 35 Ill. Adm. Code 859
- 3) Section numbers: Adopted Action:  
 859.101 Repeal  
 859.102 Repeal  
 859.103 Repeal  
 859.201 Repeal  
 859.202 Repeal  
 859.203 Repeal  
 859.204 Repeal  
 859.205 Repeal  
 859.301 Repeal  
 859.302 Repeal  
 859.303 Repeal
- 4) Statutory Authority: Section 22.2(m)(6) of the Environmental Protection Act [415 ILCS 5/22.2(m)(6)].
- 5) Effective Date of Repealer: January 12, 2001
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this repealer contain incorporations by reference? No
- 8) A copy of the adopted repealer, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notices of Proposal Published in Illinois Register: September 15, 2000, 24 Ill. Reg. 13767
- 10) Has JCAR issued a Statement of Objection to this repealer? No. JCAR issued a Certification of No Objection.
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes were required.
- 13) Will this repealer replace an emergency repealer currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Repealer: 35 Ill. Adm. Code 859 contained



## ENVIRONMENT PROTECTION AGENCY

## NOTICE OF ADOPTED REPEALER

procedures detailing the review and evaluation services the Agency could agree to provide pursuant to Section 22.2(m) of the Environmental Protection Act [415 ILCS 5/22.2(m)]. Subsection 22.2(m) was repealed in 1995, making Part 859 obsolete.

16) Information and questions regarding this repealed rule shall be directed to:

Kyle Rominger  
Assistant Counsel  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, IL 62794-9276  
217/782-5544

## ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF ADOPTED REPEALER

1) Heading of the Part: State Remedial Action Priorities List

2) Code Citation: 35 Ill. Adm. Code 860

| <u>Section numbers:</u> | <u>Adopted Action:</u> |
|-------------------------|------------------------|
| 860.100                 | Repeal                 |
| 860.110                 | Repeal                 |
| 860.120                 | Repeal                 |
| 860.130                 | Repeal                 |
| 860.200                 | Repeal                 |
| 860.210                 | Repeal                 |
| 860.220                 | Repeal                 |
| 860.300                 | Repeal                 |

4) Statutory Authority: Sections 4 and 22.2(d) of the Environmental Protection Act [415 ILCS 5/4 and 5/22.2(d)].

5) Effective Date of Repealer: January 12, 2001

6) Does this rulemaking contain an automatic repeal date? No

7) Does this repealer contain incorporations by reference? No

8) A copy of the adopted repealer, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notices of Proposal Published in Illinois Register: September 15, 2000, 24 Ill. Reg. 13776

10) Has JCAR issued a Statement of Objection to this repealer? No. JCAR issued a Certification of No Objection.

11) Differences between proposal and final version: None

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes were required.

13) Will this repealer replace an emergency repealer currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Repealer: 35 Ill. Adm. Code Part 860 contained procedures for creating the State Remedial Action Priorities List (SRAPL), which was intended to serve as an informational tool for use by the Agency in identifying sites that appeared to present a significant risk to public health, welfare or the environment. Part 860 was declared void in *States*

## ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF ADOPTED REPEALER

*Land Improvement Corp. v. Environmental Protection Agency*, 596 N.E.2d 1164, 173 Ill. Dec. 285 (4th Dist. 1992). As a result, it is obsolete and no longer used.

- 16) Information and questions regarding this repealed rule shall be directed to:

Kyle Rominger  
Assistant Counsel  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, IL 62794-9276  
217/782-5544

## DEPARTMENT OF INSURANCE

## NOTICE OF ADOPTED REPEALER

- 1) Heading of Part: Retrospective Compensation Agreements

- 2) Code Citation: 50 Ill. Adm. Code 922

- | <u>Section Number:</u> | <u>Adopted Action:</u> |
|------------------------|------------------------|
| 922.10                 | Repeal                 |
| 922.20                 | Repeal                 |
| 922.30                 | Repeal                 |
| 922.40                 | Repeal                 |
| 922.50                 | Repeal                 |
| 922.60                 | Repeal                 |

- 4) Statutory Authority: Implementing Section 141.1 and authorized by Section 401(a) of the Illinois Insurance Code [215 ILCS 5/141.1 and 401(a)].

- 5) Effective Date of rulemaking: 1/16/01

- 6) Does this repealer contain an automatic repeal date? No

- 7) Does this repealer contain incorporations by reference? No

- 8) A copy of the adopted repealer, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

- 9) Notice of Proposal Published in Illinois Register: September 15, 2000, 24 Ill. Reg. 13797

- 10) Has JCAR issued a Statement of Objection to this repealer? No

- 11) Differences between proposal and final version: None

- 12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

- 13) Will this repealer replace an emergency repealer currently in effect? No

- 14) Are there any amendments pending on this Part? No

- 15) Summary and Purpose of rulemaking: Section 141a of the Illinois Insurance Code [215 ILCS 5/141a] addresses the requirements for filing retrospective compensation agreements and Section 141 [215 ILCS 5/141] sets the standards for their approval. The rule adds nothing to the requirements and standards contained in these statutes; therefore, the Department is repealing the rule.

- 16) Information and questions regarding this adopted repealer shall be directed to:

## DEPARTMENT OF INSURANCE

## NOTICE OF ADOPTED REPEALER

Jim Hanson  
Department of Insurance  
320 West Washington  
Springfield, Illinois 62767-0001  
(217) 782-6284

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Hazardous Waste Management System: General

2) Code citation: 35 Ill. Adm. Code 720

3) Section numbers: Adopted action:  
720.111 Amended

4) Statutory Authority: 415 ILCS 5/7.2, 13, 22.4, and 27.

5) Effective date of Amendments: January 11, 2001

6) Does this rulemaking contain an automatic repeal date?: No

7) Do these amendments contain incorporations by reference? Yes. The centralized listing of incorporations by reference appears at 35 Ill. Adm. Code 720.111 for the purposes of all of 35 Ill. Adm. Code 702 through 705, 720 through 726, 728, 730, 733, and 739. The present amendments update the version of the federal Clean Water Act analytical procedures of 40 CFR 136 incorporated by reference at 35 Ill. Adm. Code 720.111 for the purposes of the RCRA Subtitle C hazardous waste regulations. USEPA amended 40 CFR 136 on January 19, 2000. The present amendments add references to those federal amendments.

8) Statement of availability: The adopted amendments, a copy of the Board's opinion and order adopted December 7, 2000, and all materials incorporated by reference are on file at the Board's principal office and are available for public inspection and copying.

9) Notice of proposal published in Illinois Register: October 13, 2000, 24 Ill. Reg. 14945

10) Has JCAR issued a Statement of Objections to these amendments? No. Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).

11) Differences between proposal and final version: The following table summarizes the differences between the amendments proposed by the Board in an opinion and order dated December 7, 2000, in docket R01-3, and the amendments adopted are summarized in the following table. Many of the differences are explained in greater detail in the Board's opinion and order of December 7, 2000, in docket R01-3, adopting the amendments.

Revisions to the Text of the Proposed Amendments in Final Adoption

## POLLUTION CONTROL BOARD

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

## NOTICE OF ADOPTED AMENDMENTS

| Section Revised   | Source(s) of Revision(s) | Revision(s)   |
|-------------------|--------------------------|---|
| 720.111(a) "APTI" | JCAR, Board              | Removed the listing of "APTI" as the source of "APTI Course 415"                      |
| 720.111(a) "NTIS" | JCAR, Board              | Replaced "USEPA Publication EPA 450/2-81-005" with "PB80208895" for "APTI Course 415" |

12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreements issued by JCAR? Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by JCAR.

Since the Notices of Proposed Amendments appeared in the October 13, 2000 issue of the *Illinois Register*, the Board received a number of suggestions for revisions from JCAR. The Board evaluated each suggestion and incorporated a number of changes into the text as a result, as indicated in item 11 above. The table below indicates JCAR suggestions not incorporated into the text, with a brief explanation for each. See the December 7, 2000 opinion and order in docket R01-3 for additional details on the JCAR suggestions and the Board actions with regard to each.

Requested Revisions to the Text of the Proposed Amendments Not Made in Final Adoption

| Section Affected | Source(s) of Request: Requested Revision(s)   | Explanation   |
|------------------|---|---|
| 720 Source note  | JCAR: Change "amended in R01-3 at 25 Ill. Reg. . . ." to "amended at R01-3 at 25 Ill. Reg. . . ." | The preposition "in" is universally used for the Board docket number, and the preposition "at" is universally used for the <i>Illinois Register</i> citation. |

13) Will these amendments replace emergency amendments currently in effect? No

14) Are there any other amendments pending on this Part? No

15) Summary and Purpose of Amendments: A more detailed description is contained in the Board's opinion and order of December 7, 2000 in R01-7, which opinion and order is available from the address below. Section

22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by JCAR.

The R01-3 proceeding updates the Board's RCRA Subtitle C hazardous waste rules to correspond with amendments adopted by USEPA that appeared in the Federal Register during the period January 1, 2000, through June 30, 2000. The R01-3 docket amends rules in 35 Ill. Adm. Code 720, 721, and 728.

The following table briefly summarizes the federal actions in the update period:

January 19, 2000 (65 Fed. Reg. 3008) USEPA adopted wastewater effluent limitation guidelines, pretreatment standards, and new source performance standards for the landfill point source category. One segment of this rulemaking was the amendment of Methods 625 and 1625 in 40 C.F.R. 136.3, Appendix A.

March 8, 2000 (65 Fed. Reg. 12378) USEPA extended the accumulation time applicable to wastewater treatment sludge from the metal finishing industry that is accumulated for high temperature metals recovery.

March 16, 2000 (65 Fed. Reg. 14344) USEPA corrected its January 19, 2000 effluent guidelines, pretreatment standards, and new source performance standards for the landfill source category.

March 17, 2000 (65 Fed. Reg. 14472) USEPA withdrew the hazardous waste listings and land disposal restrictions for organobromine production wastes in response to a judicial vacature in Great Lakes Chemical Corp. v. EPA, no. 98-1312 (D.C. Cir. Apr. 9, 1999).

May 15, 2000 (65 Fed. Reg. 30886) USEPA adopted amendments to its NPDES regulations to eliminate rules that are obsolete, ineffective, or unduly burdensome. The amendments streamline various permitting procedures, including those for UIC and RCRA Subtitle C permits.



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

May 22, 2000 (65 Fed. Reg. 32214)

USEPA made a formal regulatory determination not to include wastes from fossil fuel combustion as listed hazardous waste.

June 8, 2000 (65 Fed. Reg. 36365)

USEPA corrected typographical errors in its March 17, 2000 (65 Fed. Reg. 14472) organobromine production waste rule and its August 6, 1998 (63 Fed. Reg. 42110) listing of four petroleum wastes.

Among the various federal RCRA Subtitle C amendments examined by the Board and listed above, there are some on which no Board action was necessary in the present update docket R01-3. The reasons why no Board action was necessary vary from one federal action to another. The Board lists these five federal actions among those considered in this docket for the benefit of the regulated community:

1. No Board action was necessary on the federal action of March 8, 2000 (65 Fed. Reg. 12378). The Board completed action on the federal accumulation time amendments in the prior update docket RCRA Subtitle C Update, USEPA Amendments (July 1, 1999, through December 31, 1999) (May 18, 2000), R00- 13.

2. Similarly, no Board action was necessary on the federal action of March 17, 2000 (65 Fed. Reg. 14472). The Board also removed the hazardous waste listings for organobromine wastes in the prior update docket RCRA Subtitle C Update, USEPA Amendments (July 1, 1999, through December 31, 1999) (May 18, 2000), R00-13.

3. No further action was necessary as to the federal cleanup amendments of May 15, 2000 (65 Fed. Reg. 30886). The Board examined the hazardous waste-related segments of the federal amendments (40 C.F.R. 270.32(c) and 270.43(b)) and the corresponding Illinois rules (35 Ill. Adm. Code 702.161(b)(2) and 702.186), and the altered segment of the federal text (references to the consolidated permit procedures of 40 C.F.R. 124) have no counterpart in the corresponding Illinois regulations.

4. The federal action of May 22, 2000 (65 Fed. Reg. 32214), was a determination not to regulate categories of wastes from certain activities. The federal action included no amendments to the federal regulations. Thus, the Board did not need to amend the Illinois rules in response.

5. Finally, the Board examined the March 16, 2000 (65 Fed. Reg. 14344) corrections to the January 19, 2000 (65 Fed. Reg. 3008) wastewater effluent limitation guidelines, pretreatment standards, and new source performance standards for the landfill point source category. None of

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

the corrections affect the amendment of Methods 625 and 1625 in 40 C.F.R. 136.3, Appendix A, so the Board did not need to update the incorporation of 40 C.F.R. 136 to include a reference to these corrections.

Thus, the Board is acting in this consolidated R01-3 docket on the following USEPA amendments:

January 19, 2000  
(65 Fed. Reg. 3008) USEPA analytical methods amendments.

June 8, 2000  
(65 Fed. Reg. 36365) USEPA corrections to the March 17, 2000 withdrawal of the organobromine production waste rule and the August 6, 1998 listing of four petroleum wastes.

Specifically, the amendments to 35 Ill. Adm. Code 720 implement segments of the federal January 19, 2000 analytical methods amendments.

The tables below list numerous corrections and amendments that are not based on current federal amendments. The table contains corrections and clarifications that the Board made in the base text involved in these amendments. This table is reproduced from the tables that appear in the Board's opinion of December 7, 2000, in docket R01- 3. Some of the entries in these tables are discussed further in appropriate segments of the general discussion in that opinion.

Board Housekeeping Amendments

| Section           | Source      | Revision(s)  |
|-------------------|-------------|--|
| 720.111(a) "APTI" | JCAR, Board | Removed the listing of "APTI" as the source of "APTI Course 415"                       |
| 720.111(a) "NTIS" | JCAR, Board | Replaced "USEPA Publication EPA 450/2-81- 005" with "PB80208895" for "APTI Course 415" |
| 720.111(b)        | Board       | Changed "40 CFR 268, Appendix IX" to "40 CFR 268, Appendix IX"                         |

16) Information and questions regarding these adopted amendments shall be directed to: Please reference consolidated Docket R00-11/R01-1 and direct inquiries to the following person:

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

Michael J. McCambridge  
Staff Attorney  
Illinois Pollution Control Board  
100 W. Randolph 11-500  
Chicago, IL 60601  
312-814-6924

Request copies of the Board's opinion and order of December 7, 2000 from 312-814-3620. Alternatively, you may obtain a copy of the Board's opinion and order from the Internet at <http://www.ipcb.state.il.us>.

The full text of the Adopted Amendments begins on the next page:

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE G: WASTE DISPOSAL  
CHAPTER I: POLLUTION CONTROL BOARD  
SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

## PART 720

## HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL

## SUBPART A: GENERAL PROVISIONS

|         |   |
|---------|---|
| Section |   |
| 720.101 | Purpose, Scope, and Applicability                           |
| 720.102 | Availability of Information; Confidentiality of Information |
| 720.103 | Use of Number and Gender                                    |

## SUBPART B: DEFINITIONS

|         |             |
|---------|-------------|
| Section |             |
| 720.110 | Definitions |
| 720.111 | References  |

## SUBPART C: RULEMAKING PETITIONS AND OTHER PROCEDURES

|         |   |
|---------|---|
| Section |   |
| 720.120 | Rulemaking  |
| 720.121 | Alternative Equivalent Testing Methods  |
| 720.122 | Waste Delisting   |
| 720.123 | Petitions for Regulation as Universal Waste   |
| 720.130 | Procedures for Solid Waste Determinations   |
| 720.131 | Solid Waste Determinations  |
| 720.132 | Boiler Determinations   |
| 720.133 | Procedures for Determinations   |
| 720.140 | Additional regulation of certain hazardous waste Recycling Activities on a case-by-case Basis |
| 720.141 | Procedures for case-by-case regulation of hazardous waste Recycling Activities                |

## APPENDIX 'A' Overview of 40 CFR, Subtitle C Regulations

**AUTHORITY:** Implementing Sections 7.2, 13, and 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 13, 22.4 and 27].

**SOURCE:** Adopted in R81-22 at 5 Ill. Reg. 9781, effective May 17, 1982; amended and codified in R81-22 at 6 Ill. Reg. 4828, effective May 17, 1982; amended in R82-19 at 7 Ill. Reg. 14015, effective Oct. 12, 1983; amended in R84-9 at 9 Ill. Reg. 11819, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 968, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 13998, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20630, effective

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

December 2, 1986; amended in R86-28 at 11 Ill. Reg. 6017, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13435, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19280, effective November 12, 1987; amended in R87-26 at 12 Ill. Reg. 2450, effective January 15, 1988; amended in R87-39 at 12 Ill. Reg. 12999, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 362, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18278, effective November 13, 1989; amended in R89-2 at 14 Ill. Reg. 3075, effective February 20, 1990; amended in R89-9 at 14 Ill. Reg. 6225, effective April 16, 1990; amended in R90-10 at 14 Ill. Reg. 16450, effective September 25, 1990; amended in R90-17 at 15 Ill. Reg. 7934, effective May 9, 1991; amended in R90-11 at 15 Ill. Reg. 9323, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14446, effective September 30, 1991; amended in R91-13 at 16 Ill. Reg. 9489, effective June 9, 1992; amended in R92-1 at 16 Ill. Reg. 17636, effective November 6, 1992; amended in R92-10 at 17 Ill. Reg. 5625, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20545, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6720, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12160, effective July 29, 1994; amended in R94-17 at 18 Ill. Reg. 17480, effective November 23, 1994; amended in R95-6 at 19 Ill. Reg. 9508, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 10929, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 256, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7590, effective April 15, 1998; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17496, effective September 28, 1998; amended in R98-21/R99-2/R99-7 at 23 Ill. Reg. 1704, effective January 19, 1999; amended in R99-15 at 23 Ill. Reg. 9094, effective July 26, 1999; amended in R00-5 at 24 Ill. Reg. 1063, effective January 6, 2000; amended in R00-13 at 24 Ill. Reg. 9443, effective June 20, 2000; amended in R01-3 at 25 Ill. Reg. ~~12685~~ effective ~~JAN 1 1998~~.

## SUBPART B: DEFINITIONS

## Section 720.111 References

The following documents are incorporated by reference for the purposes of this Part and 35 Ill. Adm. Code 703 through 705, 721 through 726, 728, 730, 733, 738, and 739:

- a) Non-Regulatory Government Publications and Publications of Recognized Organizations and Associations:

ACI. Available from the American Concrete Institute, Box 19150, Redford Station, Detroit, Michigan 48219:

ACI 318-83: "Building Code Requirements for Reinforced Concrete", adopted September 1983.

ANSI. Available from the American National Standards Institute, 1430 Broadway, New York, New York 10018, 212-354-3300:

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

ANSI B31.3 and B31.4. See ASME/ANSI B31.3 and B31.4.

API. Available from the American Petroleum Institute, 1220 L Street, N.W., Washington, D.C. 20005, 202-682-8000:

"Catholic Protection of Underground Petroleum Storage Tanks and Piping Systems", API Recommended Practice 1632, Second Edition, December 1987.

"Evaporative Loss from External Floating-Roof Tanks", API Publication 2517, Third Edition, February 1989.

"Guide for Inspection of Refinery Equipment, Chapter XIII, Atmospheric and Low Pressure Storage Tanks", 4th Edition, 1981, reaffirmed December 1987.

"Installation of Underground Petroleum Storage Systems", API Recommended Practice 1615, Fourth Edition, November 1987.

~~API. Available from the Air and Waste Management Association, Box 38617, Pittsburgh, PA 15230, 412-232-3444.~~

~~API. Course 415, Control of Gaseous Emissions, December 1991. Publication EPA-450/3-81-005, December 1981.~~

ASME. Available from the American Society of Mechanical Engineers, 345 East 47th Street, New York, NY 10017, 212-705-7722:

"Chemical Plant and Petroleum Refinery Piping", ASME/ANSI B31.3-1987, as supplemented by B31.3a-1988 and B31.3b-1988. Also available from ANSI.

"Liquid Transportation Systems for Hydrocarbons, Liquid Petroleum Gas, Anhydrous Ammonia, and Alcohols", ASME/ANSI B31.4-1986, as supplemented by B31.4a-1987. Also available from ANSI.

ASTM. Available from American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103, 215-299-5400:

ASTM C 94-90, Standard Specification for Ready-Mixed Concrete, approved March 30, 1990.

ASTM D 88-87, Standard Test Method for Saybolt Viscosity, April 24, 1981, reapproved January 1987.

ASTM D 93-85, Standard Test Methods for Flash Point by

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- Pensky - Martens Closed Tester, approved October 25, 1985.
- ASTM D 1946-90, Standard Practice for Analysis of Reformed Gas by Gas Chromatography, approved March 30, 1990.
- ASTM D 2161-87, Standard Practice for Conversion of Kinematic Viscosity to Saybolt Universal or to Saybolt Furoil Viscosity, March 27, 1987.
- ASTM D 2267-88, Standard Test Method for Aromatics in Light Naphthas and Aviation Gasolines by Gas Chromatography, approved November 17, 1988.
- ASTM D 2382-88, Standard Test Method for Heat of Combustion of Hydrocarbon Fuels by Bomb Calorimeter (High Precision Method), approved October 31, 1988.
- ASTM D 2879-92, Standard Test Method for Vapor Pressure-Temperature Relationship and Initial Decomposition Temperature of Liquids by Isoteniscope, approved 1992.
- ASTM D 3828-87, Standard Test Methods for Flash Point of Liquids by Setflash Closed Tester, approved December 14, 1988.
- ASTM E 168-88, Standard Practices for General Techniques of Infrared Quantitative Analysis, approved May 27, 1988.
- ASTM E 169-87, Standard Practices for General Techniques of Ultraviolet-Visible Quantitative Analysis, approved February 1, 1987.
- ASTM E 260-85, Standard Practice for Packed Column Gas Chromatography, approved June 28, 1985.
- ASTM Method G 21-70 (1984a), Standard Practice for Determining Resistance of Synthetic Polymer Materials to Fungi.
- ASTM Method G 22-76 (1984b), Standard Practice for Determining Resistance of Plastics to Bacteria.
- MICE. Methods Information Communication Exchange Service, 703-821-4690:
- "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA Publication number SW-846, Update IIIA (April 1998).

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- GPO. Available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, 202-512-1800:
- Standard Industrial Classification Manual (1972), and 1977 Supplement, republished in 1983.
- "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA Publication number SW-846 (Third Edition, November 1986), as amended by Updates I (July 1992), II (September 1994), IIA (August, 1993), IIB (January 1995), and III (December 1996) (Document Number 955-001-00000-1).
- NACE. Available from the National Association of Corrosion Engineers, 1400 South Creek Dr., Houston, TX 77084, 713-492-0535:
- "Control of External Corrosion on Metallic Buried, Partially Buried, or Submerged Liquid Storage Systems", NACE Recommended Practice RP-02-85, approved March 1985.
- NFPA. Available from the National Fire Protection Association, Batterymarch Park, Boston, MA 02269, 617-770-3000 or 800-344-3555:
- "Flammable and Combustible Liquids Code" NFPA 30, issued July 17, 1987. Also available from ANSI.
- NTIS. Available from the U.S. Department of Commerce, National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161, 703-605-6000 or 800-553-6847:
- APTI Course 415: Control of Gaseous Emissions, PB80208895  
USEPA-Publication-EPA-459/2-01-005, December 1981.
- "Generic Quality Assurance Project Plan for Land Disposal Restrictions Program", EPA/530-SW-87-011, March 15, 1987 (document number PB-88-170766).
- "Guideline on Air Quality Models", Revised 1986 (document number PB86-245-248 (Guideline) and PB88-150-958 (Supplement), also set forth at 40 CFR 51, Appendix W).
- "Method 164, Revision A, n-Hexane Extractable Material (HEM; Oil and Grease) and Silica Gel Treated n-Hexane Extractable Material (SGT-HEM; Non-polar Material) by Extraction and Gravimetry" (document number PB99-121949).



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

"Methods for Chemical Analysis of Water and Wastes", Third Edition, March 1983 (document number PB- 84-128677).

"Methods Manual for Compliance with BIF Regulations", December 1990 (document number PB91-120-006).

"Petitions to Delist Hazardous Wastes -- A Guidance Manual, Second Edition", EPA/530-R-93-007, March 1993 (document number PB-93-169 365).

"Screening Procedures for Estimating the Air Quality Impact of Stationary Sources", October 1992, Publication Number EPA-450/R-92-019.

"Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA Publication number SW-846 (Third Edition, November 1986), as amended by Updates I (July 1992), II (September 1994), IIA (August 1993), IIB (January 1995), IIC (December 1996), and IIIA (April 1998) (document number 955-001-00000-1).

OECD. Organisation for Economic Co-operation and Development, Environment Directorate, 2 rue Andre Pascal, 75775 Paris Cedex 16, France:

OECD Guideline for Testing of Chemicals, Method 301B: "CO(2) Evolution (Modified Sturm Test)", adopted 17 July 1992.

Table 2.B of the Annex of OECD Council Decision C(88)90(Final) of 27 May 1988.

STI. Available from the Steel Tank Institute, 728 Anthony Trail, Northbrook, IL 60062, 708-498-1980:

"Standard for Dual Wall Underground Steel Storage Tanks" (1986).

USDOD. Available from the United States Department of Defense:

"DOD Ammunition and Explosive Safety Standards" (DOD 6055.9-STD), as in effect on November 8, 1995.

The Motor Vehicle Inspection Report (DD Form 626), as in effect on November 8, 1995.

Requisition Tracking Form (DD Form 1348), as in effect on November 8, 1995.

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

The Signature and Tally Record (DD Form 1907), as in effect on November 8, 1995.

Special Instructions for Motor Vehicle Drivers (DD Form 836), as in effect on November 8, 1995.

USEPA. Available from United States Environmental Protection Agency, Office of Drinking Water, State Programs Division, WH 550 E, Washington, D.C. 20460:

"Technical Assistance Document: Corrosion, Its Detection and Control in Injection Wells", EPA 570/9-87-002, August 1987.

USEPA. Available from Receptor Analysis Branch, USEPA (MD-14), Research Triangle Park, NC 27711:

"Screening Procedures for Estimating the Air Quality Impact of Stationary Sources, Revised", October 1992, Publication Number EPA-450/R-92-019.

USEPA. Available from RCRA Information Center (RIC), 1235 Jefferson-Davis Highway, first floor, Arlington, VA 22203 (Docket #F-94-IEHF-FFFFF):

OECD Amber List of Wastes, Appendix 4 to the OECD Council Decision C(92)39/FINAL (Concerning the Control of Transfrontier Movements of Wastes Destined for Recovery Operations) (May 1993).

OECD Green List of Wastes, Appendix 3 to the OECD Council Decision C(92)39/FINAL (Concerning the Control of Transfrontier Movements of Wastes Destined for Recovery Operations) (May 1994).

OECD Red List of Wastes, Appendix 5 to the OECD Council Decision C(92)39/FINAL (Concerning the Control of Transfrontier Movements of Wastes Destined for Recovery Operations) (May 1993).

Table 2.B of the Annex of OECD Council Decision C(88)90(Final) (May 27, 1988).

USGSA. Available from the United States Government Services Administration:

Government Bill of Lading (GBL) (GSA Standard Form 1109), as in effect on November 8, 1995.

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

b) Code of Federal Regulations. Available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20401, 202-783-3238:

10 CFR 20, Appendix B (1999)

40 CFR 51.100(ii) (1999)

40 CFR 51, Appendix W (1999)

40 CFR 52.741, Appendix B (1999)

40 CFR 60 (1999)

40 CFR 61, Subpart V (1999)

40 CFR 63 (1999)

40 CFR 136 (1999), as amended at 64 Fed. Reg. 73414 (December 30, 1999) and 65 Fed. Reg. 3008 (January 19, 2000)

40 CFR 142 (1999)

40 CFR 220 (1999)

40 CFR 232.2 (1999)

40 CFR 260.20 (1999)

40 CFR 264 (1999)

40 CFR 268.41 (1990)

40 CFR 268.7 Appendix IX (1999)

40 CFR 270.5 (1999)

40 CFR 302.4, 302.5, and 302.6 (1999)

40 CFR 761 (1999)

49 CFR 171 (1999)

49 CFR 173 (1999)

49 CFR 178 (1999)

c) Federal Statutes

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

Section 3004 of the Resource Conservation and Recovery Act (42 USC 6901 et seq.), as amended through December 31, 1987.

Sections 201(v), 201(w), and 360b(j) of the Federal Food, Drug, and Cosmetic Act (FFDCA; 21 USC 321(v), 321(w), and 512(j)), as amended through October 25, 1994.

Section 1412 of the Department of Defense Authorization Act of 1986, Pub. L. 99-145, 50 USC 1521(j)(1) (1997).

d) This Section incorporates no later editions or amendments.

(Source: Amended at 25 Ill. Reg. 1206.001, effective JAN 1 2001)

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Identification and Listing of Hazardous Waste
- 2) Code citation: 35 Ill. Adm. Code 721
- 3) Section numbers: Adopted action:  
721.131 Amended
- 4) Statutory authority: 415 ILCS 5/7.2, 22.4, and 27
- 5) Effective date of Amendments: January 11, 2001
- 6) Does this rulemaking contain an automatic repeal date?: No
- 7) Do these amendments contain incorporations by reference? No. None of the segments of 35 Ill. Adm. Code 721 under amendment in this proceeding include incorporations by reference.
- 8) Statement of availability: The adopted amendments, a copy of the Board's opinion and order adopted December 7, 2000, and all materials incorporated by reference are on file at the Board's principal office and are available for public inspection and copying.
- 9) Notice of proposal published in Illinois Register: October 13, 2000, 24 Ill. Reg. 14959
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No

Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).

- 11) Differences between proposal and final version: The following table summarizes the differences between the amendments proposed by the Board in an opinion and order dated December 7, 2000, in docket R01-3, and the amendments adopted are summarized in the following table. Many of the differences are explained in greater detail in the Board's opinion and order of December 7, 2000, in docket R01-3, adopting the amendments.

## Revisions to the Text of the Proposed Amendments in Final Adoption

| Section Revised       | Source(s) of Revision(s)                              |
|-----------------------|---|
| 721 Table of Contents | JCAR  |
|                       | Used lower-case "from" in heading for Section 721.131 |

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|                   |      |  |
|-------------------|------|--|
| 721.131 Heading   | JCAR | Used lower-case "from"   |
| 721.131(a)        | JCAR | Changed "Section Appendix I of this Part" to "Appendix I of this Part"               |
| 721.131(a) "F024" | JCAR | Added a comma before "including" to offset a parenthetical                           |
| 721.131(a) "F027" | JCAR | Moved the ending period inside the closing parenthesis mark                          |
| 721.131(a) "F032" | JCAR | Removed the unnecessary comma after "wastewaters"                                    |
| 721.131(a) "F034" | JCAR | Removed the unnecessary comma after "wastewaters"                                    |
| 721.131(a) "F037" | JCAR | Removed the change from "oily cooling water" to "oil cooling water"                  |
| 721.131(a) "F038" | JCAR | Changed "DAF" to "dissolved air flotation (DAF)"                                     |
| 721.131(b)(2)(A)  | JCAR | Removed the unnecessary comma after "or"; removed the unnecessary comma after "tank" |

- 12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreements issued by JCAR? Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by JCAR. Since the Notices of Proposed Amendments appeared in the October 13, 2000 issue of the *Illinois Register*, the Board received a number of suggestions for revisions from JCAR. The Board evaluated each suggestion and incorporated a number of changes into the text as a result, as indicated in item 11 above. The table below indicates JCAR suggestions not incorporated into the text, with a brief explanation for each. See the December 7, 2000 opinion and order in docket R01-3 for additional details on the JCAR suggestions and the Board actions with regard to each.

## Requested Revisions to the Text of the Proposed Amendments Not Made in Final Adoption

| Section Affected  | Source(s) of Request: Requested Revision(s)                       | Explanation   |
|-------------------|---|---|
| 721.131(a) "F023" | JCAR: Change "materials on equipment" to "materials or equipment" | The suggested revision would render the Illinois listing for F023 waste |

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

substantively different than the corresponding federal listing on which it was based. See the discussion, beginning at page 7 of this opinion.

JCAR: Change "materials on equipment" to "materials or equipment"

721.131(a) "F026"

JCAR: Change "oily cooling wastewaters" to "oil cooling wastewaters" to agree with a similar federal amendment above in this entry

721.131(a) "F037"

JCAR: Change "process or oily cooling wastewaters" to plural "processes or oil cooling wastewaters" from the context, it appears that the word "process" is intended as an adjective that modifies "waters," rather than a noun, so the singular to agree with the corresponding federal text is more appropriate.

721.131(a) "F037"

JCAR: Change "oily cooling wastewaters" to "oil cooling wastewaters" to agree with a similar federal amendment above in this entry

721.131(a) "F037"

JCAR: Change "oily cooling wastewaters" to "oil cooling wastewaters" to agree with a similar federal amendment above in this entry (two

721.131(a) "F038"

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

locations) location in the "F037" entry was an error. As it stands, even with this internal inconsistency, the Board text agrees with the corresponding federal text.

13) Will these amendments replace emergency amendments currently in effect? No

14) Are there any other amendments pending on this Part? No

15) Summary and purpose of amendments: A more detailed description is contained in the Board's opinion and order of December 7, 2000 in R01-7, which opinion and order is available from the address below. Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by JCAR.

The R01-3 proceeding updates the Board's RCRA Subtitle C hazardous waste rules to correspond with amendments adopted by USEPA that appeared in the Federal Register during the period January 1, 2000, through June 30, 2000. The R01-3 Docket amends rules in 35 Ill. Adm. Code 720, 721, and 728.

This proceeding updates the Illinois RCRA Subtitle C hazardous waste rules to correspond with amendments adopted by USEPA that appeared in the Federal Register during the update period of January 1, 2000, through June 30, 2000. Please refer to the corresponding segment of the questionnaire in the Notice of Adopted Amendments for 35 Ill. Adm. Code 720 that appears elsewhere in this issue of the Illinois Register. That Notice includes a detailed outline of the federal actions involved in the broader proceeding of which the amendments to Part 720 are a single segment.

Specifically, the amendments to 35 Ill. Adm. Code 721 implement segments of the federal June 8, 2000 corrections to the August 6, 1998 amendments listing of four petroleum wastes as hazardous.

The tables below list numerous corrections and amendments that are not based on current federal amendments. The first table includes deviations made in these amendments from the verbatim text of the federal amendments. The second table contains corrections and clarifications that the Board made in the base text involved in these amendments. These tables are reproduced from the tables that appear in the Board's opinion of December 7, 2000, in docket R01-3. Some of the entries in these tables are discussed further in appropriate segments of the general discussion in that opinion.



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

Deviations from the Text of the Federal Amendments

| Illinois Section  | 40 C.F.R. Section | Revision(s)   |
|-------------------|-------------------|---|
| 721.131(a) "F037" | 261.31(a)         | Removed the change from "oily cooling water" to "oil cooling water" |
| 721.131(a) "F038" | 261.31(a)         | Changed "DAF" to "dissolved air flotation (DAF)"                    |

Board Housekeeping Amendments

| Section               | Source      | Revision(s)   |
|-----------------------|-------------|---|
| 721 Table of Contents | JCAR        | Used lower-case "from" in heading for Section 721.131   |
| 721.131 Heading       | JCAR        | Used lower-case "from"  |
| 721.131(a)            | JCAR        | Changed "Section Appendix I of this Part" to "Appendix I of this Part"  |
| 721.131(a) "F024"     | JCAR        | Added a comma before "including" to offset a parenthetical  |
| 721.131(a) "F027"     | JCAR        | Moved the ending period inside the closing parenthesis mark   |
| 721.131(a) "F032"     | JCAR        | Removed the unnecessary comma after "wastewaters"   |
| 721.131(a) "F034"     | JCAR        | Removed the unnecessary comma after "wastewaters"   |
| 721.131(a) "F037"     | Board       | Changed to the singular "sludge" (four times); changed "subsection (b)(2), below" to "subsection (b)(2) of this Section"; added a comma to offset the final element of a series |
| 721.131(a) "F038"     | JCAR, Board | Changed "DAF" to "dissolved air flotation (DAF)"; changed "subsection (b)(2), below" to "subsection (b)(2) of this Section"   |
| 721.131(b)(2)(A)      | JCAR        | Removed the unnecessary comma after "or"; removed the unnecessary comma after "tank"  |
| 721.131(b)(2)(B)      | Board       | Changed "shall" to "must"   |

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- 16) Information and questions regarding these adopted amendments shall be directed to:

Please reference consolidated Docket R00-11/R01-1 and direct inquiries to the following person:

Michael J. McCambridge  
Staff Attorney  
Illinois Pollution Control Board  
100 W. Randolph 11-500  
Chicago IL 60601  
312-814-6924

Request copies of the Board's opinion and order of December 7, 2000 from 312-814-3620. Alternatively, you may obtain a copy of the Board's opinion and order from the Internet at <http://www.ipcb.state.il.us>.

The full text of the Adopted Amendments begins on the next page:

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

## TITLE 35: ENVIRONMENTAL PROTECTION

## SUBTITLE G: WASTE DISPOSAL

## CHAPTER I: POLLUTION CONTROL BOARD

## SUBCHAPTER c: HAZARDOUS WASTE OPERATING REQUIREMENTS

## PART 721

IDENTIFICATION AND LISTING OF  
HAZARDOUS WASTE

## SUBPART A: GENERAL PROVISIONS

## Section

721.101 Purpose and Scope

721.102 Definition of Solid Waste

721.103 Definition of Hazardous Waste

721.104 Exclusions

721.105 Special Requirements for Hazardous Waste Generated by Small Quantity  
Generators

721.106 Requirements for Recyclable Materials

721.107 Residues of Hazardous Waste in Empty Containers

721.108 PCB Wastes Regulated under TSCA

721.109 Requirements for Universal Waste

SUBPART B: CRITERIA FOR IDENTIFYING THE  
CHARACTERISTICS OF HAZARDOUS WASTE  
AND FOR LISTING HAZARDOUS WASTES

## Section

721.110 Criteria for Identifying the Characteristics of Hazardous Waste

721.111 Criteria for Listing Hazardous Waste

## SUBPART C: CHARACTERISTICS OF HAZARDOUS WASTE

## Section

721.120 General

721.121 Characteristic of Ignitability

721.122 Characteristic of Corrosivity

721.123 Characteristic of Reactivity

721.124 Toxicity Characteristic

## SUBPART D: LISTS OF HAZARDOUS WASTE

## Section

721.130 General

721.131 Hazardous Wastes from ~~from~~ Nonspecific Sources

721.132 Hazardous Waste from Specific Sources

721.133 Discarded Commercial Chemical Products, Off-Specification Species,  
Container Residues, and Spill Residues Thereof

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

721.135 Wood Preserving Wastes

721.138 Comparable or Syngas Fuel Exclusion

APPENDIX A Representative Sampling Methods

APPENDIX B Method 1311 Toxicity Characteristic Leaching Procedure (TCLP)

APPENDIX C Chemical Analysis Test Methods

TABLE A Analytical Characteristics of Organic Chemicals (Repealed)

TABLE B Analytical Characteristics of Inorganic Species (Repealed)

TABLE C Sample Preparation/Sample Introduction Techniques (Repealed)

APPENDIX G Basis for Listing Hazardous Wastes

APPENDIX H Hazardous Constituents

APPENDIX I Wastes Excluded by Administrative Action

TABLE A Wastes Excluded by U.S. EPA under 40 CFR 260.20 and 260.22 from

TABLE B Non-Specific Sources

TABLE C Wastes Excluded by USEPA under 40 CFR 260.20 and 260.22 from

TABLE D Wastes Excluded by the Board by Adjusted Standard

APPENDIX J Method of Analysis for Chlorinated Dibenzo-p-Dioxins and

APPENDIX Y Dibenzofurans (Repealed)

APPENDIX Z Table to Section 721.138

APPENDIX Z Table to Section 721.102

AUTHORITY: Implementing Sections 7.2 and 22.4 and authorized by Section 27 of  
the Environmental Protection Act [415 ILCS 5/7.2, 22.4 and 27].

SOURCE: Adopted in R81-22 at 5 Ill. Reg. 9781, effective May 17, 1982; amended  
and codified in R81-22 at 6 Ill. Reg. 4828, effective May 17, 1982; amended in  
R82-18 at 7 Ill. Reg. 2518, effective February 22, 1983; amended in R82-19 at 7  
Ill. Reg. 13999, effective October 12, 1983; amended in R84-34 at 8 Ill. Reg.  
24562, effective December 11, 1984; amended in R84-9 at 9 Ill. Reg. 11834,  
effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 998, effective  
January 24, 1986; amended in R85-2 at 10 Ill. Reg. 8112, effective May 2, 1986;  
amended in R86-1 at 10 Ill. Reg. 14002, effective August 12, 1986; amended in  
R86-19 at 10 Ill. Reg. 20647, effective December 2, 1986; amended in R86-28 at  
11 Ill. Reg. 6035, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg.  
13466, effective August 4, 1987; amended in R87-32 at 11 Ill. Reg. 16698,  
effective September 30, 1987; amended in R87-5 at 11 Ill. Reg. 19303, effective  
November 12, 1987; amended in R87-26 at 12 Ill. Reg. 2456, effective January  
15, 1988; amended in R87-30 at 12 Ill. Reg. 12070, effective July 12, 1988;  
amended in R87-39 at 12 Ill. Reg. 13006, effective July 29, 1988; amended in  
R88-16 at 13 Ill. Reg. 382, effective December 27, 1988; amended in R89-1 at 13  
Ill. Reg. 18300, effective November 13, 1989; amended in R90-2 at 14 Ill. Reg.  
14401, effective August 22, 1990; amended in R90-10 at 14 Ill. Reg. 16472,  
effective September 25, 1990; amended in R90-17 at 15 Ill. Reg. 7950, effective  
May 9, 1991; amended in R90-11 at 15 Ill. Reg. 9332, effective June 17, 1991;

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

amended in R91-1 at 15 Ill. Reg. 14473, effective September 30, 1991; amended in R91-12 at 16 Ill. Reg. 2155, effective January 27, 1992; amended in R91-26 at 16 Ill. Reg. 2600, effective February 3, 1992; amended in R91-13 at 16 Ill. Reg. 9519, effective June 9, 1992; amended in R92-1 at 16 Ill. Reg. 17666, effective November 6, 1992; amended in R92-10 at 17 Ill. Reg. 5650, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20568, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6741, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12175, effective July 29, 1994; amended in R94-17 at 18 Ill. Reg. 17490, effective November 23, 1994; amended in R95-6 at 19 Ill. Reg. 9522, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 10963, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 275, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7615, effective April 15, 1998; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17531, effective September 28, 1998; amended in R98-21/R99-2/R99-7 at 23 Ill. Reg. 1718, effective January 19, 1999; amended in R99-15 at 23 Ill. Reg. 9135, effective July 26, 1999; amended in R00-13 at 24 Ill. Reg. 9481, effective June 20, 2000; amended in R01-3 at 25 Ill. Reg. 1281-7 effective JAN 1 1 2001.

## SUBPART D: LISTS OF HAZARDOUS WASTE

Section 721.131 Hazardous Wastes from ~~From~~ Nonspecific Sources

- a) The following solid wastes are listed hazardous wastes from non-specific sources unless they are excluded under 35 Ill. Adm. Code 720.120 and 720.122 and listed in Section Appendix I of this Part.

## Industry and Hazardous Waste Hazard Code

USEPA  
Hazardous  
Waste No.  
F001

The following spent halogenated solvents used in degreasing: tetrachloroethylene, trichloroethylene, methylene chloride, 1,1,1-trichloroethane, carbon tetrachloride and chlorinated fluorocarbons; all spent solvent mixtures and blends used in degreasing containing, before use, a total of ten percent or more (by volume) of one or more of the above halogenated solvents or those solvents listed in F002, F004 or F005; and still bottoms from the recovery of these spent solvents and solvent mixtures.

F002

The following spent halogenated solvents: tetrachloroethylene, methylene chloride, trichloroethylene, 1,1,1-trichloroethane, chlorobenzene, 1,1,2-trichloro-1,2,2-trifluoroethane, orthodichlorobenzene, trichlorofluoromethane and 1,1,2-trichloroethane; all spent solvent mixtures and blends containing, before use, a total of ten percent or more (by volume) of one or more of the above halogenated solvents or those solvents listed in F001,

(T)

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

USEPA  
Hazardous  
Waste No.

Hazard Code

Industry and Hazardous Waste

F003 F004 or F005; and still bottoms from the recovery of these spent solvents and spent solvent mixtures.

The following spent non-halogenated solvents: xylene, acetone, ethyl acetate, ethyl benzene, ethyl ether, methyl isobutyl ketone, n-butyl alcohol, cyclohexanone and methanol; all spent solvent mixtures and blends containing, before use, only the above spent non-halogenated solvents; and all spent solvent mixtures and blends containing, before use, one or more of the above non-halogenated solvents and a total of ten percent or more (by volume) of one or more of those solvents listed in F001, F002, F004 or F005; and still bottoms from the recovery of these spent solvents and spent solvent mixtures.

F004 The following spent non-halogenated solvents: cresols and cresylic acid and nitrobenzene; all spent solvent mixtures and blends containing, before use, a total of ten percent or more (by volume) of one or more of the above non-halogenated solvents or those solvents listed in F001, F002 or F005; and still bottoms from the recovery of these spent solvents and spent solvent mixtures.

(T)

F005

The following spent non-halogenated solvents: toluene, methyl ethyl ketone, carbon disulfide, isobutanol, pyridine, benzene, 2-ethoxyethanol and 2-nitropropane; all spent solvent mixtures and blends containing, before use, a total of ten percent or more (by volume) of one or more of the above non-halogenated solvents or those solvents listed in F001, F002 or F004; and still bottoms from the recovery of these spent solvents and spent solvent mixtures.

(I, T)

F006

Wastewater treatment sludges from electroplating operations except from the following processes: (1) sulfuric acid anodizing of aluminum; (2) tin plating on carbon steel; (3) zinc plating (segregated basis) on carbon steel; (4) aluminum or zinc-aluminum plating on carbon steel; (5) cleaning/stripping associated with tin, zinc and aluminum plating on carbon steel; and (6) chemical etching and milling of aluminum.

(T)

F007

Spent cyanide plating bath solutions from electroplating operations.

(R, T)

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

| USEPA<br>Hazardous<br>Waste No. | Industry and Hazardous Waste   | Hazard Code | USEPA<br>Hazardous<br>Waste No. | Industry and Hazardous Waste  | Hazard Code |
|---------------------------------|--|-------------|---------------------------------|---|-------------|
| F008                            | Plating bath residues from the bottom of plating baths from electroplating operations where cyanides are used in the process.  | (R, T)      |                                 |   |             |
| F009                            | Spent stripping and cleaning bath solutions from electroplating operations where cyanides are used in the process.   | (R, T)      | F024                            | listing does not include wastes from equipment used only for the production or use of hexachlorophene from highly purified 2,4,5-trichlorophenol.)  | (T)         |
| F010                            | Quenching bath residues from oil baths from metal heat treating operations where cyanides are used in the process.   | (R, T)      |                                 | Process wastes, including but not limited to, distillation residues, heavy ends, tars, and reactor cleanout wastes, from the production of certain chlorinated aliphatic hydrocarbons by free radical catalyzed processes. These chlorinated aliphatic hydrocarbons are those having carbon chain lengths ranging from one to and including five, with varying amounts and positions of chlorine substitution. (This listing does not include wastewaters, wastewater treatment sludges, spent catalysts and wastes listed in this Section or Section 721.132.) | (T)         |
| F011                            | Spent cyanide solutions from salt bath pot cleaning from metal heat treating operations.   | (R, T)      | F025                            | Condensed light ends, spent filters and filter aids, and spent desiccant wastes from the production of certain chlorinated aliphatic hydrocarbons by free radical catalyzed processes. These chlorinated aliphatic hydrocarbons are those having carbon chain lengths ranging from one to and including five, with varying amounts and positions of chlorine substitution.  | (T)         |
| F012                            | Quenching wastewater treatment sludges from metal heat treating operations where cyanides are used in the process.   | (T)         |                                 |   |             |
| F019                            | Wastewater treatment sludges from the chemical conversion coating of aluminum except from zirconium phosphating in aluminum can washing when such phosphating is an exclusive conversion coating process.  | (T)         | F026                            | Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production of intermediate or component in a formulating process) of tri- or tetrachlorophenol, or of intermediates used to produce their pesticide derivatives. (This listing does not include wastes from the production of hexachlorophene from highly purified 2, 4, 5-trichlorophenol.)   | (H)         |
| F020                            | Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production or manufacturing use (as a reactant, chemical intermediate or component in a formulating process) of tri- or tetrachlorophenol, or of intermediates used to produce their pesticide derivatives. (This listing does not include wastes from the production of hexachlorophene from highly purified 2, 4, 5-trichlorophenol.) | (H)         |                                 |   |             |
| F021                            | Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production or manufacturing use (as a reactant, chemical intermediate or component in a formulating process) of pentachlorophenol, or of intermediates used to produce its derivatives.   | (H)         | F027                            | Discarded unused formulations containing tri-, tetra- or pentachlorophenol or discarded unused formulations containing compounds derived from these chlorophenols. (This listing does not include formulations containing hexachlorophene synthesized from prepurified 2,4,5-trichlorophenol as the sole component.)-   | (H)         |
| F022                            | Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the manufacturing use (as a reactant, chemical intermediate or component in a formulating process) of tetra-, penta- or hexachlorobenzenes under alkaline conditions.   | (H)         | F028                            | Residues resulting from the incineration or thermal treatment of soil contaminated with hazardous waste numbers F020, F021, F022, F023, F026 and F027.  | (T)         |
| F023                            | Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production of materials on equipment previously used for the production or manufacturing use (as a reactant, chemical intermediate or component in a formulating process) of tri- and tetrachlorophenols. (This   | (H)         | F032                            | Wastewaters (except those that have not come into contact with process contaminants), process residuals, preservative drippage and spent formulations from wood preserving processes generated at plants that currently use or have previously used chlorophenolic formulations (except potentially cross-contaminated wastes that have had the F032 waste code deleted in  | (T)         |

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

| USEPA<br>Hazardous<br>Waste No. | Industry and Hazardous Waste  | Hazard Code |
|---------------------------------|---|-------------|
| F034                            | accordance with Section 721.135 and where the generator does not resume or initiate use of chlorophenolic formulations). This listing does not include K001 bottom sediment sludge from the treatment of wastewater from wood preserving processes that use creosote or pentachlorophenol.<br>Wastewaters (except those that have not come into contact with process contaminants), process residuals, preservative drippage and spent formulations from wood preserving processes generated at plants that use creosote formulations. This listing does not include K001 bottom sediment sludge from the treatment of wastewater from wood preserving processes that use creosote or pentachlorophenol.  | (T)         |
| F035                            | Wastewaters, (except those that have not come into contact with process contaminants), process residuals, preservative drippage and spent formulations from wood preserving processes generated at plants that use inorganic preservatives containing arsenic or chromium. This listing does not include K001 bottom sediment sludge from the treatment of wastewater from wood preserving processes that use creosote or pentachlorophenol.  | (T)         |
| F037                            | Petroleum refinery primary oil/water/solids separation sludge--Any sludge generated from the gravitational separation of oil/water/solids during the storage or treatment of process wastewaters and oily cooling wastewaters from petroleum refineries. Such sludges include, but are not limited to, those generated in: oil/water/solids separators; tanks and impoundments; ditches and other conveyances; sumps; and stormwater units receiving dry weather flow. Sludge <u>Sludges</u> generated in stormwater units that do not receive dry weather flow, sludge <u>sludges</u> generated from non-contact once-through cooling waters segregated for treatment from other process or oily cooling waters, sludge <u>sludges</u> generated in aggressive biological treatment units as defined in subsection (b)(2) of this Section <u>7--below</u> (including sludge <u>sludges</u> generated in one or more additional units after wastewaters have been treated in aggressive biological treatment units) and K051 wastes are not included in this listing. This listing does include residuals generated from processing or recycling oil-bearing hazardous secondary materials excluded | (T)         |
| F038                            | Petroleum refinery secondary (emulsified) oil/water/solids separation sludge--Any sludge or float generated from the physical or chemical separation of oil/water/solids in process wastewaters and oily cooling wastewaters from petroleum refineries. Such wastes include, but are not limited to, all sludges and floats generated in: induced air floatation (IAF) units, tanks and impoundments, and all sludges generated in dissolved air floatation (DAF) units. Sludges generated in stormwater units that do not receive dry weather flow, sludges generated from non-contact once-through cooling waters segregated for treatment from other process or oily cooling waters, sludges and floats generated in aggressive biological treatment units as defined in subsection (b)(2) of this Section <u>7--below</u> (including sludges and floats generated in one or more additional units after wastewaters have been treated in aggressive biological treatment units), F037, K048 and K051 wastes are not included in this listing.   | (T)         |
| F039                            | Leachate (liquids which have percolated through land disposed wastes) resulting from the disposal of more than one restricted waste classified as hazardous under Subpart D. (Leachate resulting from the disposal of one or more of the following USEPA hazardous wastes and no other hazardous wastes retains its USEPA hazardous waste number(s): F020, F021, F022, F026, F027 or F028.)<br>Board Note: The primary hazardous properties of these materials have been indicated by the letters T (Toxicity), R (Reactivity), I (Ignitability), and C (Corrosivity). The letter H indicates Acute Hazardous Waste.<br>b) Listing specific definitions.<br>1) For the purpose of the F037 and F038 listings, oil/water/solids is defined as oil or water or solids.<br>2) For the purposes of the F037 and F038 listings:<br>A) Aggressive biological treatment units are defined as units which employ one of the following four treatment methods: activated sludge; trickling filter; rotating biological contactor for the continuous accelerated  | (T)         |

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

| USEPA<br>Hazardous<br>Waste No. | Industry and Hazardous Waste   | Hazard Code |
|---------------------------------|--|-------------|
| F038                            | under Section 721.104(a)(12)(A) if those residuals are to be disposed of.<br>Petroleum refinery secondary (emulsified) oil/water/solids separation sludge--Any sludge or float generated from the physical or chemical separation of oil/water/solids in process wastewaters and oily cooling wastewaters from petroleum refineries. Such wastes include, but are not limited to, all sludges and floats generated in: induced air floatation (IAF) units, tanks and impoundments, and all sludges generated in dissolved air floatation (DAF) units. Sludges generated in stormwater units that do not receive dry weather flow, sludges generated from non-contact once-through cooling waters segregated for treatment from other process or oily cooling waters, sludges and floats generated in aggressive biological treatment units as defined in subsection (b)(2) of this Section <u>7--below</u> (including sludges and floats generated in one or more additional units after wastewaters have been treated in aggressive biological treatment units), F037, K048 and K051 wastes are not included in this listing. | (T)         |
| F039                            | Leachate (liquids which have percolated through land disposed wastes) resulting from the disposal of more than one restricted waste classified as hazardous under Subpart D. (Leachate resulting from the disposal of one or more of the following USEPA hazardous wastes and no other hazardous wastes retains its USEPA hazardous waste number(s): F020, F021, F022, F026, F027 or F028.)<br>Board Note: The primary hazardous properties of these materials have been indicated by the letters T (Toxicity), R (Reactivity), I (Ignitability), and C (Corrosivity). The letter H indicates Acute Hazardous Waste.<br>b) Listing specific definitions.<br>1) For the purpose of the F037 and F038 listings, oil/water/solids is defined as oil or water or solids.<br>2) For the purposes of the F037 and F038 listings:<br>A) Aggressive biological treatment units are defined as units which employ one of the following four treatment methods: activated sludge; trickling filter; rotating biological contactor for the continuous accelerated   | (T)         |

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

biological oxidation of wastewaters; or, high-rate aeration. High-rate aeration is a system of surface impoundments or tanks, in which intense mechanical aeration is used to completely mix the wastes, enhance biological activity, and:

- i) The units employ a minimum of six horsepower per million gallons of treatment volume; and either
- ii) The hydraulic retention time of the unit is no longer than five days; or
- iii) The hydraulic retention time is no longer than 30 days and the unit does not generate a sludge that is a hazardous waste by the toxicity characteristic.

B) Generators and treatment, storage or disposal (TSD) facilities have the burden of proving that their sludges are exempt from listing as F037 or F038 wastes under this definition. Generators and TSD facilities must ~~shall~~ maintain, in their operating or other on site records, documents and data sufficient to prove that:

- i) The unit is an aggressive biological treatment unit as defined in this subsection; and
- ii) The sludges ought to be exempted from F037 or F038 were actually generated in the aggressive biological treatment unit.

3) Time of generation. For the purposes of the designated waste, the time of generation is as follows:

A) For the F037 listing, sludges are considered to be generated at the moment of deposition in the unit, where deposition is defined as at least a temporary cessation of lateral particle movement.

B) For the F038 listing:

- i) Sludges are considered to be generated at the moment of deposition in the unit, where deposition is defined as at least a temporary cessation of lateral particle movement; and
- ii) Floats are considered to be generated at the moment they are formed in the top of the unit.

(Source: Amended at 25 Ill. Reg. 1281.53 effective JAN 1 2001)

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Land Disposal Restrictions
- 2) Code citation: 35 Ill. Adm. Code 728
- 3) Section numbers: Adopted action:  
728.Appendix G Amended
- 4) Statutory authority: 415 ILCS 5/7.2, 22.4, and 27.
- 5) Effective date of Amendments: January 11, 2001
- 6) Does this rulemaking contain an automatic repeal date?: No
- 7) Do these amendments contain incorporations by reference? No. None of the segments of 35 Ill. Adm. Code 728 under amendment in this proceeding include incorporations by reference.
- 8) Statement of availability: The adopted amendments, a copy of the Board's opinion and order adopted December 7, 2000, and all materials incorporated by reference are on file at the Board's principal office and are available for public inspection and copying.
- 9) Notice of proposal published in Illinois Register: October 13, 2000, 24 Ill. Reg. 14971
- 10) Has JCAR issued a Statement of Objections to this rulemaking? No. Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).
- 11) Differences between proposal and final version: The following table summarizes the differences between the amendments proposed by the Board in an opinion and order dated December 7, 2000, in docket R01-3, and the amendments adopted are summarized in the following table. Many of the differences are explained in greater detail in the Board's opinion and order of December 7, 2000, in docket R01-3, adopting the amendments.

## Revisions to the Text of the Proposed Amendments in Final Adoption

| Section Revised                  | Source(s) of Revision(s) | Revision(s)   |
|----------------------------------|--------------------------|---|
| 728.Appendix G, Table 1, entry 1 | JCAR                     | Changed "of" to "or" for "CERCLA response or RCRA corrective actions" |

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- 12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreements issued by JCAR?

Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by JCAR.

Since the Notices of Proposed Amendments appeared in the October 13, 2000 issue of the *Illinois Register*, the Board received a number of suggestions for revisions from JCAR. The Board evaluated each suggestion and incorporated a number of changes into the text as a result, as indicated in item 11 above. See the December 7, 2000 opinion and order in docket R01-3 for additional details on the JCAR suggestions and the Board actions with regard to each.

- 13) Will these amendments replace emergency amendments currently in effect?  
No

- 14) Are there any other amendments pending on this Part? No

- 15) Summary and purpose of Amendments:

A more detailed description is contained in the Board's opinion and order of December 7, 2000 in R01-7, which opinion and order is available from the address below.

Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by JCAR.

The R01-3 proceeding updates the Board's RCRA Subtitle C hazardous waste rules to correspond with amendments adopted by USEPA that appeared in the *Federal Register* during the period January 1, 2000, through June 30, 2000. The R01-3 docket amends rules in 35 Ill. Adm. Code 720, 721, and 728.

This proceeding updates the Illinois RCRA Subtitle C hazardous waste rules to correspond with amendments adopted by USEPA that appeared in the *Federal Register* during the update period of January 1, 2000, through June 30, 2000. Please refer to the corresponding segment of the questionnaire in the Notice of Adopted Amendments for 35 Ill. Adm. Code 720 that appears elsewhere in this issue of the *Illinois Register*. That Notice includes a detailed outline of the federal actions involved in the broader proceeding of which the amendments to Part 720 are a single segment.

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

Specifically, the amendments to 35 Ill. Adm. Code 728 implement segments of the federal June 8, 2000 corrections to the March 17, 2000 withdrawal of the organobromine production waste rule.

The tables below list numerous corrections and amendments that are not based on current federal amendments. The table contains corrections and clarifications that the Board made in the base text involved in these amendments. This table is reproduced from the tables that appear in the Board's opinion of December 7, 2000, in docket R01-3. Some of the entries in these tables are discussed further in appropriate segments of the general discussion in that opinion.

Board Housekeeping Amendments

| Section                             | Source | Revision(s)   |
|-------------------------------------|--------|---|
| 728-Appendix G,<br>Table 1, entry 1 | JCAR   | Changed "of" to "or" for<br>"CERCLA response or RCRA<br>corrective actions" |

- 16) Information and questions regarding these adopted amendments shall be directed to:

Please reference consolidated Docket R00-11/R01-1 and direct inquiries to the following person:

Michael J. McCambridge  
Staff Attorney  
Illinois Pollution Control Board  
100 W. Randolph 11-500  
Chicago, IL 60601  
312-814-6924

Request copies of the Board's opinion and order of December 7, 2000 from 312-814-3620. Alternatively, you may obtain a copy of the Board's opinion and order from the Internet at <http://www.ipcb.state.il.us>.

The full text of the Adopted Amendments begins on the next page:

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

## TITLE 35: ENVIRONMENTAL PROTECTION

## SUBTITLE G: WASTE DISPOSAL

## CHAPTER I: POLLUTION CONTROL BOARD

## SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

## PART 728

## LAND DISPOSAL RESTRICTIONS

## SUBPART A: GENERAL

|         |   |
|---------|---|
| Section |   |
| 728.101 | Purpose, Scope, and Applicability   |
| 728.102 | Definitions   |
| 728.103 | Dilution Prohibited as a Substitute for Treatment   |
| 728.104 | Treatment Surface Impoundment Exemption   |
| 728.105 | Procedures for case-by-case Extensions to an Effective Date   |
| 728.106 | Petitions to Allow Land Disposal of a Waste Prohibited under Subpart C                              |
| 728.107 | Testing, Tracking, and Recordkeeping Requirements for Generators, Treaters, and Disposal Facilities |
| 728.108 | Landfill and Surface Impoundment Disposal Restrictions (Repealed)                                   |
| 728.109 | Special Rules for Characteristic Wastes   |

## SUBPART B: SCHEDULE FOR LAND DISPOSAL PROHIBITION AND ESTABLISHMENT OF TREATMENT STANDARDS

|         |                                |
|---------|--------------------------------|
| Section |                                |
| 728.110 | First Third (Repealed)         |
| 728.111 | Second Third (Repealed)        |
| 728.112 | Third Third (Repealed)         |
| 728.113 | Newly Listed Wastes            |
| 728.114 | Surface Impoundment exemptions |

## SUBPART C: PROHIBITION ON LAND DISPOSAL

|         |   |
|---------|---|
| Section |   |
| 728.130 | Waste Specific Prohibitions -- Wood Preserving Wastes   |
| 728.131 | Waste Specific Prohibitions -- Dioxin-Containing Wastes   |
| 728.132 | Waste Specific Prohibitions -- California List Wastes (Repealed)  |
| 728.133 | Waste - Specific Prohibitions -- Organobromine Wastes (Repealed)  |
| 728.134 | Waste - Specific Prohibitions -- Toxicity Characteristic Metal Wastes   |
| 728.135 | Waste Specific Prohibitions -- Petroleum Refining Wastes  |
| 728.136 | Waste Specific Prohibitions -- Newly Listed Wastes (Repealed)   |
| 728.137 | Waste Specific Prohibitions -- Ignitable and Corrosive Characteristic Wastes Whose Treatment Standards were Vacated                                       |
| 728.138 | Waste-Specific Prohibitions: Newly-Identified Organic Toxicity Characteristic Wastes and Newly-Listed Coke By-Product and Chlorotoluene Production Wastes |

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

## Waste-Specific Prohibitions: Spent Aluminum Potliners and Carbamate Wastes

## SUBPART D: TREATMENT STANDARDS

|         |  |
|---------|--|
| Section |  |
| 728.140 | Applicability of Treatment Standards                             |
| 728.141 | Treatment Standards Expressed as Concentrations in Waste Extract |
| 728.142 | Treatment Standards Expressed as Specified Technologies          |
| 728.143 | Treatment Standards Expressed as Waste Concentrations            |
| 728.144 | Adjustment of Treatment Standard                                 |
| 728.145 | Treatment Standards for Hazardous Debris                         |
| 728.146 | Alternative Treatment Standards Based on HTMR                    |
| 728.148 | Universal Treatment Standards                                    |
| 728.149 | Alternative LDR Treatment Standards for Contaminated Soil        |

## SUBPART E: PROHIBITIONS ON STORAGE

## Section

## 728.150 Prohibitions on Storage of Restricted Wastes

|            |  |
|------------|--|
| APPENDIX A | Toxicity Characteristic Leaching Procedure (TCLP) (Repealed)                                       |
| APPENDIX B | Treatment Standards (As concentrations in the Treatment Residual Extract) (Repealed)               |
| APPENDIX C | List of Halogenated Organic Compounds (Repealed)   |
| APPENDIX D | Wastes Excluded from Lab Packs   |
| APPENDIX E | Organic Lab Packs (Repealed)   |
| APPENDIX F | Technologies to Achieve Deactivation of Characteristics  |
| APPENDIX G | Federal Effective Dates  |
| APPENDIX H | National Capacity LDR Variances for UIC Wastes   |
| APPENDIX I | EP Toxicity Test Method and Structural Integrity Test  |
| APPENDIX J | Recordkeeping, Notification, and Certification Requirements (Repealed)                             |
| APPENDIX K | Metal Bearing Wastes Prohibited From Dilution in a Combustion Unit According to Section 728.103(c) |

|         |  |
|---------|--|
| TABLE A | Constituent Concentrations in Waste Extract (CCWE)             |
| TABLE B | Constituent Concentrations in Wastes (CCW)                     |
| TABLE C | Technology Codes and Description of Technology-Based Standards |
| TABLE D | Technology-Based Standards by RCRA Waste Code                  |
| TABLE E | Standards for Radioactive Mixed Waste                          |
| TABLE F | Alternative Treatment Standards for Hazardous Debris           |
| TABLE G | Alternative Treatment Standards Based on HTMR                  |
| TABLE H | Wastes Excluded from CCW Treatment Standards                   |
| TABLE I | Generator Paperwork Requirements                               |
| TABLE T | Treatment Standards for Hazardous Wastes                       |
| TABLE U | Universal Treatment Standards (UTS)                            |



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

**AUTHORITY:** Implementing Sections 7.2 and 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 22.4 and 27].

**SOURCE:** Adopted in R87-5 at 11 Ill. Reg. 19354, effective November 12, 1987; amended in R87-39 at 12 Ill. Reg. 13046, effective July 29, 1988; amended in R89-1 at 13 Ill. Reg. 18403, effective November 13, 1989; amended in R89-9 at 14 Ill. Reg. 6232, effective April 16, 1990; amended in R90-2 at 14 Ill. Reg. 14470, effective August 22, 1990; amended in R90-10 at 14 Ill. Reg. 16508, effective September 25, 1990; amended in R90-11 at 15 Ill. Reg. 9462, effective June 17, 1991; amended in R90-11 at 15 Ill. Reg. 11937, effective August 12, 1991; amendment withdrawn at 15 Ill. Reg. 14716, October 11, 1991; amended in R91-13 at 16 Ill. Reg. 9619, effective June 9, 1992; amended in R92-10 at 17 Ill. Reg. 5727, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20692, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6799, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12203, effective July 29, 1994; amended in R94-17 at 18 Ill. Reg. 17563, effective November 23, 1994; amended in R95-6 at 19 Ill. Reg. 9660, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 11100, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 783, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7685, effective April 15, 1998; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17706, effective September 28, 1998; amended in R98-21/R99-2/R99-7 at 23 Ill. Reg. 1964, effective January 19, 1999; amended in R99-15 at 23 Ill. Reg. 9204, effective July 26, 1999; amended in R00-13 at 24 Ill. Reg. 9623, effective June 20, 2000; amended in R01-3 at 25 Ill. Reg. 12906-7, effective JAN 11 2001.

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

## Section 728. APPENDIX G Federal Effective Dates

The following are the effective dates for the USEPA rules in 40 CFR 268. These generally became effective as Illinois rules at a later date.

TABLE 1  
EFFECTIVE DATES OF SURFACE DISPOSED WASTES (NON-SOIL AND DEBRIS) REGULATED IN THE LDERS(a)--COMPREHENSIVE LIST

| Waste code | Waste category   | Effective date |
|------------|--|----------------|
| D001(c)    | All (except High TOC Ignitable Liquids)                                  | Aug. 9, 1993.  |
| D001       | High TOC Ignitable Liquids   | Aug. 8, 1990.  |
| D002(c)    | All  | Aug. 9, 1993.  |
| D003(e)    | Newly identified surface-disposed elemental phosphorus processing wastes | May 26, 2000.  |
| D004       | Newly identified D004 and mineral processing wastes                      | Aug. 24, 1998. |
| D004       | Mixed radioactive/newly identified D004 or mineral processing wastes     | May 26, 2000.  |
| D005       | Newly identified D005 and mineral processing wastes                      | Aug. 24, 1998. |
| D005       | Mixed radioactive/newly identified D005 or mineral processing wastes     | May 26, 2000.  |
| D006       | Newly identified D006 and mineral processing wastes                      | Aug. 24, 1998. |
| D006       | Mixed radioactive/newly identified D006 or mineral processing wastes     | May 26, 2000.  |
| D007       | Newly identified D007 and mineral processing wastes                      | Aug. 24, 1998. |
| D007       | Mixed radioactive/newly identified D007 or mineral processing wastes     | May 26, 2000.  |
| D008       | Newly identified D008 and mineral processing waste                       | Aug. 24, 1998. |
| D008       | Mixed radioactive/newly identified D008 or mineral processing wastes     | May 26, 2000.  |
| D009       | Newly identified D009 and mineral processing waste                       | Aug. 24, 1998. |
| D009       | Mixed radioactive/newly identified D009 or mineral processing wastes     | May 26, 2000.  |
| D010       | Newly identified D010 and mineral processing wastes                      | Aug. 24, 1998. |
| D010       | Mixed radioactive/newly identified D010 or mineral processing wastes     | May 26, 2000.  |
| D011       | Newly identified D011 and mineral processing wastes                      | Aug. 24, 1998. |
| D011       | Mixed radioactive/newly identified D011 or mineral processing wastes     | May 26, 2000.  |

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|  |                               |                |  |
|--|-------------------------------|----------------|--|
| D012 (that exhibit the toxicity characteristic based on the TCLP)(d) | All                           | Dec. 14, 1994. |  |
| D013 (that exhibit the toxicity characteristic based on the TCLP)(d) | All                           | Dec. 14, 1994. |  |
| D014 (that exhibit the toxicity characteristic based on the TCLP)(d) | All                           | Dec. 14, 1994. |  |
| D015 (that exhibit the toxicity characteristic based on the TCLP)(d) | All                           | Dec. 14, 1994. |  |
| D016 (that exhibit the toxicity characteristic based on the TCLP)(d) | All                           | Dec. 14, 1994. |  |
| D017 (that exhibit the toxicity characteristic based on the TCLP)(d) | All                           | Dec. 14, 1994. |  |
| D018   | Mixed with radioactive wastes | Sep. 19, 1996. |  |
| D019   | All others                    | Dec. 19, 1994. |  |
| D020   | Mixed with radioactive wastes | Dec. 19, 1994. |  |
| D021   | All others                    | Sep. 19, 1996. |  |
| D022   | Mixed with radioactive wastes | Dec. 19, 1994. |  |
| D023   | All others                    | Sep. 19, 1996. |  |
| D024   | Mixed with radioactive wastes | Dec. 19, 1994. |  |
| D025   | All others                    | Sep. 19, 1996. |  |
| D026   | Mixed with radioactive wastes | Dec. 19, 1994. |  |
| D027   | All others                    | Dec. 19, 1994. |  |
| D028   | Mixed with radioactive wastes | Sep. 19, 1996. |  |
| D029   | All others                    | Dec. 19, 1994. |  |
| D030   | Mixed with radioactive wastes | Sep. 19, 1996. |  |
| D031   | All others                    | Dec. 19, 1994. |  |
| D032   | Mixed with radioactive wastes | Sep. 19, 1996. |  |
| D033   | All others                    | Dec. 19, 1994. |  |
| D034   | Mixed with radioactive wastes | Sep. 19, 1996. |  |
| D035   | All others                    | Dec. 19, 1994. |  |
| D036   | Mixed with radioactive wastes | Sep. 19, 1996. |  |
| D037   | All others                    | Dec. 19, 1994. |  |
| D038   | Mixed with radioactive wastes | Sep. 19, 1996. |  |
| D039   | All others                    | Dec. 19, 1994. |  |
| D040   | Mixed with radioactive wastes | Sep. 19, 1996. |  |
| D041   | All others                    | Dec. 19, 1994. |  |
| D042   | Mixed with radioactive wastes | Sep. 19, 1996. |  |
| D043   | All others                    | Dec. 19, 1994. |  |
| D044   | Mixed with radioactive wastes | Sep. 19, 1996. |  |
| D045   | All others                    | Dec. 19, 1994. |  |
| D046   | Mixed with radioactive wastes | Sep. 19, 1996. |  |
| D047   | All others                    | Dec. 19, 1994. |  |
| D048   | Mixed with radioactive wastes | Sep. 19, 1996. |  |
| D049   | All others                    | Dec. 19, 1994. |  |
| D050   | Mixed with radioactive wastes | Sep. 19, 1996. |  |
| D051   | All others                    | Dec. 19, 1994. |  |
| D052   | Mixed with radioactive wastes | Sep. 19, 1996. |  |
| D053   | All others                    | Dec. 19, 1994. |  |
| D054   | Mixed with radioactive wastes | Sep. 19, 1996. |  |
| D055   | All others                    | Dec. 19, 1994. |  |
| D056   | Mixed with radioactive wastes | Sep. 19, 1996. |  |
| D057   | All others                    | Dec. 19, 1994. |  |

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|      |   |                |  |
|------|---|----------------|--|
| D027 | Mixed with radioactive wastes   | Sep. 19, 1996. |  |
| D028 | All others  | Dec. 19, 1994. |  |
| D029 | Mixed with radioactive wastes   | Sep. 19, 1996. |  |
| D030 | All others  | Dec. 19, 1994. |  |
| D031 | Mixed with radioactive wastes   | Sep. 19, 1996. |  |
| D032 | All others  | Dec. 19, 1994. |  |
| D033 | Mixed with radioactive wastes   | Sep. 19, 1996. |  |
| D034 | All others  | Dec. 19, 1994. |  |
| D035 | Mixed with radioactive wastes   | Sep. 19, 1996. |  |
| D036 | All others  | Dec. 19, 1994. |  |
| D037 | Mixed with radioactive wastes   | Sep. 19, 1996. |  |
| D038 | All others  | Dec. 19, 1994. |  |
| D039 | Mixed with radioactive wastes   | Sep. 19, 1996. |  |
| D040 | All others  | Dec. 19, 1994. |  |
| D041 | Mixed with radioactive wastes   | Sep. 19, 1996. |  |
| D042 | All others  | Dec. 19, 1994. |  |
| D043 | Mixed with radioactive wastes   | Sep. 19, 1996. |  |
| D044 | All others  | Dec. 19, 1994. |  |
| D045 | Mixed with radioactive wastes   | Sep. 19, 1996. |  |
| D046 | All others  | Dec. 19, 1994. |  |
| D047 | Mixed with radioactive wastes   | Sep. 19, 1996. |  |
| D048 | All others  | Dec. 19, 1994. |  |
| D049 | Mixed with radioactive wastes   | Sep. 19, 1996. |  |
| D050 | All others  | Dec. 19, 1994. |  |
| D051 | Mixed with radioactive wastes   | Sep. 19, 1996. |  |
| D052 | All others  | Dec. 19, 1994. |  |
| D053 | Mixed with radioactive wastes   | Sep. 19, 1996. |  |
| D054 | All others  | Dec. 19, 1994. |  |
| D055 | Mixed with radioactive wastes   | Sep. 19, 1996. |  |
| D056 | All others  | Dec. 19, 1994. |  |
| D057 | Small quantity generators, response/RCRA corrective action, initial generator's solvent-water mixtures, solvent-containing sludges and solids | Nov. 8, 1986.  |  |
| D058 | Wastewater and Nonwastewater  | Aug. 8, 1990.  |  |
| D059 | Small quantity generators, response/RCRA corrective action, initial generator's solvent-water mixtures, solvent-containing sludges and solids | Nov. 8, 1986.  |  |
| D060 | All others  | Nov. 8, 1986.  |  |

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|   |  |                |
|---|--|----------------|
| F003  | Small quantity generators, CERCLA response/RCRA corrective action, initial generator's solvent-water mixtures, solvent-containing sludges and solids | Nov. 8, 1988.  |
| F003  | All others   | Nov. 8, 1986.  |
| F004  | Small quantity generators, CERCLA response/RCRA corrective action, initial generator's solvent-water mixtures, solvent-containing sludges and solids | Nov. 8, 1988.  |
| F004  | All others   | Nov. 8, 1986.  |
| F005 (benzene, 2-ethoxyethanol, 2-nitropropane) | Wastewater and Nonwastewater   | Aug. 8, 1990.  |
| F005  | Small quantity generators, CERCLA response/RCRA corrective action, initial generator's solvent-water mixtures, solvent-containing sludges and solids | Nov. 8, 1988.  |
| F005  | All others   | Nov. 8, 1986.  |
| F006  | Wastewater   | Aug. 8, 1990.  |
| F006 (cyanides)                                 | Nonwastewater  | Aug. 8, 1988.  |
| F007  | Nonwastewater  | July 8, 1989.  |
| F008  | All  | July 8, 1989.  |
| F009  | All  | July 8, 1989.  |
| F010  | All  | July 8, 1989.  |
| F011 (cyanides)                                 | Nonwastewater  | Dec. 8, 1989.  |
| F011  | All others   | July 8, 1989.  |
| F012 (cyanides)                                 | Nonwastewater  | Dec. 8, 1989.  |
| F012  | All others   | July 8, 1989.  |
| F019  | All  | Aug. 8, 1990.  |
| F020  | All  | Nov. 8, 1988.  |
| F021  | All  | Nov. 8, 1988.  |
| F025  | All  | Aug. 8, 1990.  |
| F026  | All  | Nov. 8, 1988.  |
| F027  | All  | Nov. 8, 1988.  |
| F028  | All  | Nov. 8, 1988.  |
| F032  | Mixed with radioactive wastes  | May 12, 1999.  |
| F032  | All others   | Aug. 12, 1997. |
| F034  | Mixed with radioactive wastes  | May 12, 1999.  |
| F034  | All others   | Aug. 12, 1997. |
| F035  | Mixed with radioactive wastes  | May 12, 1999.  |
| F035  | All others   | Aug. 12, 1997. |
| F037  | Not generated from surface impoundment cleanouts or closures   | June 30, 1993. |

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|                 |  |                |
|-----------------|--|----------------|
| F037            | Generated from surface impoundment cleanouts or closures     | June 30, 1994. |
| F037            | Mixed with radioactive wastes                                | June 30, 1994. |
| F038            | Not generated from surface impoundment cleanouts or closures | June 30, 1993. |
| F038            | Generated from surface impoundment cleanouts or closures     | June 30, 1994. |
| F038            | Mixed with radioactive wastes                                | June 30, 1994. |
| F039            | Wastewater   | Aug. 8, 1990.  |
| F039            | Nonwastewater  | May 8, 1992.   |
| F039            | All  | Aug. 8, 1988.  |
| (b)             |  |                |
| K001 (organics) |  |                |
| K001            | All others   | Aug. 8, 1988.  |
| K002            | All  | Aug. 8, 1990.  |
| K003            | All  | Aug. 8, 1990.  |
| K004            | Wastewater   | Aug. 8, 1990.  |
| K004            | Nonwastewater  | Aug. 8, 1988.  |
| K005            | Wastewater   | Aug. 8, 1990.  |
| K005            | Nonwastewater  | June 8, 1989.  |
| K006            | All  | Aug. 8, 1990.  |
| K007            | Wastewater   | Aug. 8, 1990.  |
| K007            | Nonwastewater  | June 8, 1989.  |
| K008            | Wastewater   | Aug. 8, 1990.  |
| K008            | Nonwastewater  | Aug. 8, 1988.  |
| K009            | All  | June 8, 1989.  |
| K010            | All  | June 8, 1989.  |
| K011            | Wastewater   | Aug. 8, 1990.  |
| K011            | Nonwastewater  | June 8, 1989.  |
| K013            | Wastewater   | Aug. 8, 1990.  |
| K013            | Nonwastewater  | June 8, 1989.  |
| K014            | Wastewater   | Aug. 8, 1990.  |
| K014            | Nonwastewater  | June 8, 1989.  |
| K015            | Wastewater   | Aug. 8, 1988.  |
| K015            | Nonwastewater  | Aug. 8, 1990.  |
| K016            | All  | Aug. 8, 1988.  |
| K017            | All  | Aug. 8, 1990.  |
| K018            | All  | Aug. 8, 1988.  |
| K019            | All  | Aug. 8, 1988.  |
| K020            | All  | Aug. 8, 1988.  |
| K021            | Wastewater   | Aug. 8, 1990.  |
| K021            | Nonwastewater  | Aug. 8, 1988.  |
| K022            | Wastewater   | Aug. 8, 1990.  |
| K022            | Nonwastewater  | Aug. 8, 1988.  |
| K023            | All  | June 8, 1989.  |
| K024            | All  | Aug. 8, 1988.  |
| K025            | Wastewater   | Aug. 8, 1990.  |
| K025            | Nonwastewater  | Aug. 8, 1988.  |
| K026            | All  | Aug. 8, 1990.  |

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|                            |               |                |
|----------------------------|---------------|----------------|
| K027                       | All           | June 8, 1989.  |
| K028 (metals)              | Nonwastewater | Aug. 8, 1990.  |
| K028                       | All others    | June 8, 1989.  |
| K029                       | Wastewater    | Aug. 8, 1990.  |
| K029                       | Nonwastewater | June 8, 1989.  |
| K030                       | All           | Aug. 8, 1988.  |
| K031                       | Wastewater    | Aug. 8, 1990.  |
| K031                       | Nonwastewater | May 8, 1992.   |
| K032                       | All           | Aug. 8, 1990.  |
| K033                       | All           | Aug. 8, 1990.  |
| K034                       | All           | Aug. 8, 1990.  |
| K035                       | All           | Aug. 8, 1990.  |
| K036                       | Wastewater    | June 8, 1989.  |
| K036                       | Nonwastewater | Aug. 8, 1988.  |
| K037 (b)                   | Wastewater    | Aug. 8, 1988.  |
| K037                       | Nonwastewater | Aug. 8, 1988.  |
| K038                       | All           | June 8, 1989.  |
| K039                       | All           | June 8, 1989.  |
| K040                       | All           | June 8, 1989.  |
| K041                       | All           | Aug. 8, 1990.  |
| K042                       | All           | Aug. 8, 1990.  |
| K043                       | All           | June 8, 1989.  |
| K044                       | All           | Aug. 8, 1988.  |
| K045                       | All           | Aug. 8, 1988.  |
| K046                       | Nonwastewater | Aug. 8, 1988.  |
| (Nonreactive)              |               |                |
| K046                       | All others    | Aug. 8, 1990.  |
| K047                       | All           | Aug. 8, 1988.  |
| K048                       | Wastewater    | Aug. 8, 1990.  |
| K048                       | Nonwastewater | Nov. 8, 1990.  |
| K049                       | Wastewater    | Aug. 8, 1990.  |
| K049                       | Nonwastewater | Nov. 8, 1990.  |
| K050                       | Wastewater    | Aug. 8, 1990.  |
| K050                       | Nonwastewater | Nov. 8, 1990.  |
| K051                       | Wastewater    | Aug. 8, 1990.  |
| K051                       | Nonwastewater | Nov. 8, 1990.  |
| K052                       | Wastewater    | Aug. 8, 1990.  |
| K052                       | Nonwastewater | Nov. 8, 1990.  |
| K060                       | Wastewater    | Aug. 8, 1990.  |
| K060                       | Nonwastewater | Aug. 8, 1988.  |
| K061                       | Wastewater    | Aug. 8, 1990.  |
| K061                       | Nonwastewater | June 30, 1992. |
| K062                       | All           | Aug. 8, 1988.  |
| K069 (Non-Calcium Sulfate) | Nonwastewater | Aug. 8, 1990.  |
| K069                       | All others    | Aug. 8, 1990.  |
| K071                       | All           | Aug. 8, 1990.  |
| K073                       | All           | Aug. 8, 1990.  |

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|                 |                               |                |
|-----------------|-------------------------------|----------------|
| K083            | All                           | Aug. 8, 1990.  |
| K084            | Wastewater                    | Aug. 8, 1990.  |
| K084            | Nonwastewater                 | May 8, 1992.   |
| K085            | All                           | Aug. 8, 1990.  |
| K086 (organics) | All                           | Aug. 8, 1988.  |
| (b)             |                               |                |
| K086            | All others                    | Aug. 8, 1988.  |
| K087            | All                           | Aug. 8, 1988.  |
| K088            | Mixed with radioactive wastes | Apr. 8, 1988.  |
| K088            | All others                    | Oct. 8, 1997.  |
| K093            | All                           | June 8, 1989.  |
| K094            | All                           | June 8, 1989.  |
| K095            | Wastewater                    | Aug. 8, 1990.  |
| K095            | Nonwastewater                 | June 8, 1989.  |
| K096            | Wastewater                    | Aug. 8, 1990.  |
| K096            | Nonwastewater                 | June 8, 1989.  |
| K097            | All                           | Aug. 8, 1990.  |
| K098            | All                           | Aug. 8, 1990.  |
| K099            | All                           | Aug. 8, 1988.  |
| K100            | Wastewater                    | Aug. 8, 1990.  |
| K100            | Nonwastewater                 | Aug. 8, 1988.  |
| K101 (organics) | Wastewater                    | Aug. 8, 1988.  |
| K101 (metals)   | Wastewater                    | Aug. 8, 1990.  |
| K101 (organics) | Nonwastewater                 | Aug. 8, 1988.  |
| K101 (metals)   | Nonwastewater                 | May 8, 1992.   |
| K102 (organics) | Wastewater                    | Aug. 8, 1988.  |
| K102 (metals)   | Wastewater                    | Aug. 8, 1990.  |
| K102 (organics) | Nonwastewater                 | Aug. 8, 1988.  |
| K102 (metals)   | Nonwastewater.                | May 8, 1992.   |
| K103            | All                           | Aug. 8, 1988.  |
| K104            | All                           | Aug. 8, 1988.  |
| K105            | All                           | Aug. 8, 1990.  |
| K106            | Wastewater                    | Aug. 8, 1990.  |
| K106            | Nonwastewater                 | May 8, 1992.   |
| K107            | Mixed with radioactive wastes | June 30, 1994. |
| K107            | All others                    | Nov. 9, 1992.  |
| K108            | Mixed with radioactive wastes | June 30, 1994. |
| K108            | All others                    | Nov. 9, 1992.  |
| K109            | Mixed with radioactive wastes | June 30, 1994. |
| K109            | All others                    | Nov. 9, 1992.  |
| K110            | Mixed with radioactive wastes | June 30, 1994. |
| K110            | All others                    | Nov. 9, 1992.  |
| K111            | Mixed with radioactive wastes | June 30, 1994. |
| K111            | All others                    | Nov. 9, 1992.  |
| K112            | Mixed with radioactive wastes | June 30, 1994. |
| K112            | All others                    | Nov. 9, 1992.  |
| K113            | All                           | June 8, 1989.  |
| K114            | All                           | June 8, 1989.  |



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|      |                               |                |      |                               |               |
|------|-------------------------------|----------------|------|-------------------------------|---------------|
| K115 | All                           | June 8, 1989.  | K160 | Mixed with radioactive wastes | Apr. 8, 1998. |
| K116 | All                           | June 8, 1989.  | K160 | All others                    | July 8, 1996. |
| K117 | Mixed with radioactive wastes | June 30, 1994. | K161 | Mixed with radioactive wastes | Apr. 8, 1998. |
| K117 | All others                    | Nov. 9, 1992.  | K161 | All others                    | July 8, 1996. |
| K118 | Mixed with radioactive wastes | June 30, 1994. | P001 | All                           | Aug. 8, 1990. |
| K118 | All others                    | Nov. 9, 1992.  | P002 | All                           | Aug. 8, 1990. |
| K123 | Mixed with radioactive wastes | June 30, 1994. | P003 | All                           | Aug. 8, 1990. |
| K123 | All others                    | Nov. 9, 1992.  | P004 | All                           | Aug. 8, 1990. |
| K124 | Mixed with radioactive wastes | June 30, 1994. | P005 | All                           | Aug. 8, 1990. |
| K124 | All others                    | Nov. 9, 1992.  | P006 | All                           | Aug. 8, 1990. |
| K125 | Mixed with radioactive wastes | June 30, 1994. | P007 | All                           | Aug. 8, 1990. |
| K125 | All others                    | Nov. 9, 1992.  | P008 | All                           | Aug. 8, 1990. |
| K126 | Mixed with radioactive wastes | June 30, 1994. | P009 | All                           | Aug. 8, 1990. |
| K126 | All others                    | Nov. 9, 1992.  | P010 | Wastewater                    | Aug. 8, 1990. |
| K131 | Mixed with radioactive wastes | June 30, 1994. | P010 | Nonwastewater                 | May 8, 1992.  |
| K131 | All others                    | Nov. 9, 1992.  | P011 | Wastewater                    | Aug. 8, 1990. |
| K132 | Mixed with radioactive wastes | June 30, 1994. | P011 | Nonwastewater                 | May 8, 1992.  |
| K132 | All others                    | Nov. 9, 1992.  | P012 | Wastewater                    | Aug. 8, 1990. |
| K136 | Mixed with radioactive wastes | June 30, 1994. | P012 | Nonwastewater                 | May 8, 1992.  |
| K136 | All others                    | Nov. 9, 1992.  | P013 | Nonwastewater                 | Aug. 8, 1990. |
| K141 | Mixed with radioactive wastes | Sep. 19, 1996. | P013 | All others                    | June 8, 1989. |
| K141 | All others                    | Dec. 19, 1994. | P014 | All                           | Aug. 8, 1990. |
| K142 | Mixed with radioactive wastes | Sep. 19, 1996. | P015 | All                           | Aug. 8, 1990. |
| K142 | All others                    | Dec. 19, 1994. | P016 | All                           | Aug. 8, 1990. |
| K143 | Mixed with radioactive wastes | Sep. 19, 1996. | P017 | All                           | Aug. 8, 1990. |
| K143 | All others                    | Dec. 19, 1994. | P018 | All                           | Aug. 8, 1990. |
| K144 | Mixed with radioactive wastes | Sep. 19, 1996. | P020 | All                           | Aug. 8, 1990. |
| K144 | All others                    | Dec. 19, 1994. | P021 | All                           | Aug. 8, 1990. |
| K145 | Mixed with radioactive wastes | Sep. 19, 1996. | P022 | All                           | Aug. 8, 1989. |
| K145 | All others                    | Dec. 19, 1994. | P023 | All                           | Aug. 8, 1990. |
| K147 | Mixed with radioactive wastes | Sep. 19, 1996. | P024 | All                           | Aug. 8, 1990. |
| K147 | All others                    | Dec. 19, 1994. | P026 | All                           | Aug. 8, 1990. |
| K148 | Mixed with radioactive wastes | Sep. 19, 1996. | P027 | All                           | Aug. 8, 1990. |
| K148 | All others                    | Dec. 19, 1994. | P028 | All                           | Aug. 8, 1990. |
| K149 | Mixed with radioactive wastes | Sep. 19, 1996. | P029 | All                           | Aug. 8, 1989. |
| K149 | All others                    | Dec. 19, 1994. | P030 | All                           | June 8, 1989. |
| K150 | Mixed with radioactive wastes | Sep. 19, 1996. | P031 | All                           | June 8, 1989. |
| K150 | All others                    | Dec. 19, 1994. | P033 | All                           | Aug. 8, 1990. |
| K151 | Mixed with radioactive wastes | Sep. 19, 1996. | P034 | All                           | Aug. 8, 1990. |
| K151 | All others                    | Dec. 19, 1994. | P036 | Wastewater                    | Aug. 8, 1990. |
| K156 | Mixed with radioactive wastes | Apr. 8, 1998.  | P036 | Nonwastewater                 | May 8, 1992.  |
| K156 | All others                    | July 8, 1996.  | P037 | All                           | Aug. 8, 1990. |
| K157 | Mixed with radioactive wastes | Apr. 8, 1998.  | P038 | Wastewater                    | Aug. 8, 1990. |
| K157 | All others                    | July 8, 1996.  | P038 | Nonwastewater                 | May 8, 1992.  |
| K158 | Mixed with radioactive wastes | Apr. 8, 1998.  | P039 | All                           | June 8, 1989. |
| K158 | All others                    | July 8, 1996.  | P040 | All                           | June 8, 1989. |
| K159 | Mixed with radioactive wastes | Apr. 8, 1998.  | P041 | All                           | June 8, 1989. |
| K159 | All others                    | July 8, 1996.  | P042 | All                           | Aug. 8, 1990. |

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|      |                               |               |
|------|-------------------------------|---------------|
| K160 | Mixed with radioactive wastes | Apr. 8, 1998. |
| K160 | All others                    | July 8, 1996. |
| K161 | Mixed with radioactive wastes | Apr. 8, 1998. |
| K161 | All others                    | July 8, 1996. |
| P001 | All                           | Aug. 8, 1990. |
| P002 | All                           | Aug. 8, 1990. |
| P003 | All                           | Aug. 8, 1990. |
| P004 | All                           | Aug. 8, 1990. |
| P005 | All                           | Aug. 8, 1990. |
| P006 | All                           | Aug. 8, 1990. |
| P007 | All                           | Aug. 8, 1990. |
| P008 | All                           | Aug. 8, 1990. |
| P009 | All                           | Aug. 8, 1990. |
| P010 | Wastewater                    | Aug. 8, 1990. |
| P010 | Nonwastewater                 | May 8, 1992.  |
| P011 | Wastewater                    | Aug. 8, 1990. |
| P011 | Nonwastewater                 | May 8, 1992.  |
| P012 | Wastewater                    | Aug. 8, 1990. |
| P012 | Nonwastewater                 | May 8, 1992.  |
| P013 | Nonwastewater                 | Aug. 8, 1990. |
| P013 | All others                    | June 8, 1989. |
| P014 | All                           | Aug. 8, 1990. |
| P015 | All                           | Aug. 8, 1990. |
| P016 | All                           | Aug. 8, 1990. |
| P017 | All                           | Aug. 8, 1990. |
| P018 | All                           | Aug. 8, 1990. |
| P020 | All                           | Aug. 8, 1990. |
| P021 | All                           | Aug. 8, 1990. |
| P022 | All                           | Aug. 8, 1989. |
| P023 | All                           | Aug. 8, 1990. |
| P024 | All                           | Aug. 8, 1990. |
| P026 | All                           | Aug. 8, 1990. |
| P027 | All                           | Aug. 8, 1990. |
| P028 | All                           | Aug. 8, 1990. |
| P029 | All                           | Aug. 8, 1989. |
| P030 | All                           | June 8, 1989. |
| P031 | All                           | June 8, 1989. |
| P033 | All                           | Aug. 8, 1990. |
| P034 | All                           | Aug. 8, 1990. |
| P036 | Wastewater                    | Aug. 8, 1990. |
| P036 | Nonwastewater                 | May 8, 1992.  |
| P037 | All                           | Aug. 8, 1990. |
| P038 | Wastewater                    | Aug. 8, 1990. |
| P038 | Nonwastewater                 | May 8, 1992.  |
| P039 | All                           | June 8, 1989. |
| P040 | All                           | June 8, 1989. |
| P041 | All                           | June 8, 1989. |
| P042 | All                           | Aug. 8, 1990. |

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|      |               |               |
|------|---------------|---------------|
| P043 | All           | June 8, 1989. |
| P044 | All           | June 8, 1989. |
| P045 | All           | Aug. 8, 1990. |
| P046 | All           | Aug. 8, 1990. |
| P047 | All           | Aug. 8, 1990. |
| P048 | All           | Aug. 8, 1990. |
| P049 | All           | Aug. 8, 1990. |
| P050 | All           | Aug. 8, 1990. |
| P051 | All           | Aug. 8, 1990. |
| P054 | All           | Aug. 8, 1990. |
| P056 | All           | Aug. 8, 1990. |
| P057 | All           | Aug. 8, 1990. |
| P058 | All           | Aug. 8, 1990. |
| P059 | All           | Aug. 8, 1990. |
| P060 | All           | Aug. 8, 1990. |
| P062 | All           | June 8, 1989. |
| P063 | All           | June 8, 1989. |
| P064 | All           | Aug. 8, 1990. |
| P065 | Wastewater    | Aug. 8, 1990. |
| P065 | Nonwastewater | May 8, 1992.  |
| P066 | All           | Aug. 8, 1990. |
| P067 | All           | Aug. 8, 1990. |
| P068 | All           | Aug. 8, 1990. |
| P069 | All           | Aug. 8, 1990. |
| P070 | All           | Aug. 8, 1990. |
| P071 | All           | June 8, 1989. |
| P072 | All           | Aug. 8, 1990. |
| P073 | All           | Aug. 8, 1990. |
| P074 | All           | June 8, 1989. |
| P075 | All           | Aug. 8, 1990. |
| P076 | All           | Aug. 8, 1990. |
| P077 | All           | Aug. 8, 1990. |
| P078 | All           | Aug. 8, 1990. |
| P081 | All           | Aug. 8, 1990. |
| P082 | All           | Aug. 8, 1990. |
| P084 | All           | Aug. 8, 1990. |
| P085 | All           | Aug. 8, 1990. |
| P087 | All           | June 8, 1989. |
| P088 | All           | May 8, 1992.  |
| P089 | All           | Aug. 8, 1990. |
| P092 | Wastewater    | June 8, 1989. |
| P092 | Nonwastewater | Aug. 8, 1990. |
| P093 | All           | May 8, 1992.  |
| P094 | All           | Aug. 8, 1990. |
| P095 | All           | June 8, 1989. |
| P096 | All           | Aug. 8, 1990. |
| P097 | All           | Aug. 8, 1990. |
| P098 | All           | June 8, 1989. |

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|      |                               |               |
|------|-------------------------------|---------------|
| P099 | Wastewater                    | Aug. 8, 1990. |
| P099 | All others                    | June 8, 1989. |
| P101 | All                           | Aug. 8, 1990. |
| P102 | All                           | Aug. 8, 1990. |
| P103 | All                           | Aug. 8, 1990. |
| P104 | Wastewater                    | Aug. 8, 1990. |
| P104 | All others                    | June 8, 1989. |
| P105 | All                           | Aug. 8, 1990. |
| P106 | All                           | June 8, 1989. |
| P108 | All                           | Aug. 8, 1990. |
| P109 | All                           | June 8, 1989. |
| P110 | All                           | Aug. 8, 1990. |
| P111 | All                           | June 8, 1989. |
| P112 | All                           | Aug. 8, 1990. |
| P113 | All                           | Aug. 8, 1990. |
| P114 | All                           | Aug. 8, 1990. |
| P115 | All                           | Aug. 8, 1990. |
| P116 | All                           | Aug. 8, 1990. |
| P118 | All                           | Aug. 8, 1990. |
| P119 | All                           | Aug. 8, 1990. |
| P120 | All                           | Aug. 8, 1990. |
| P121 | All                           | Aug. 8, 1990. |
| P122 | All                           | Aug. 8, 1990. |
| P123 | All                           | Aug. 8, 1990. |
| P127 | Mixed with radioactive wastes | Aug. 8, 1990. |
| P127 | All others                    | Apr. 8, 1998. |
| P128 | Mixed with radioactive wastes | July 8, 1996. |
| P128 | All others                    | July 8, 1996. |
| P185 | Mixed with radioactive wastes | Apr. 8, 1998. |
| P185 | All others                    | Apr. 8, 1998. |
| P188 | Mixed with radioactive wastes | July 8, 1996. |
| P188 | All others                    | Apr. 8, 1998. |
| P189 | Mixed with radioactive wastes | July 8, 1996. |
| P189 | All others                    | Apr. 8, 1998. |
| P190 | Mixed with radioactive wastes | July 8, 1996. |
| P190 | All others                    | Apr. 8, 1998. |
| P191 | Mixed with radioactive wastes | July 8, 1996. |
| P191 | All others                    | Apr. 8, 1998. |
| P192 | Mixed with radioactive wastes | July 8, 1996. |
| P192 | All others                    | Apr. 8, 1998. |
| P194 | Mixed with radioactive wastes | July 8, 1996. |
| P194 | All others                    | Apr. 8, 1998. |
| P196 | Mixed with radioactive wastes | July 8, 1996. |
| P196 | All others                    | Apr. 8, 1998. |
| P197 | Mixed with radioactive wastes | July 8, 1996. |
| P197 | All others                    | Apr. 8, 1998. |
| P198 | Mixed with radioactive wastes | July 8, 1996. |
| P198 | All others                    | Apr. 8, 1998. |



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|      |               |               |
|------|---------------|---------------|
| U089 | All           | Aug. 8, 1990. |
| U090 | All           | Aug. 8, 1990. |
| U091 | All           | Aug. 8, 1990. |
| U092 | All           | Aug. 8, 1990. |
| U093 | All           | Aug. 8, 1990. |
| U094 | All           | Aug. 8, 1990. |
| U095 | All           | Aug. 8, 1990. |
| U096 | All           | Aug. 8, 1990. |
| U097 | All           | Aug. 8, 1990. |
| U098 | All           | Aug. 8, 1990. |
| U099 | All           | Aug. 8, 1990. |
| U101 | All           | Aug. 8, 1990. |
| U102 | All           | June 8, 1989. |
| U103 | All           | Aug. 8, 1990. |
| U105 | All           | Aug. 8, 1990. |
| U106 | All           | Aug. 8, 1990. |
| U107 | All           | June 8, 1989. |
| U108 | All           | Aug. 8, 1990. |
| U109 | All           | Aug. 8, 1990. |
| U110 | All           | Aug. 8, 1990. |
| U111 | All           | Aug. 8, 1990. |
| U112 | All           | Aug. 8, 1990. |
| U113 | All           | Aug. 8, 1990. |
| U114 | All           | Aug. 8, 1990. |
| U115 | All           | Aug. 8, 1990. |
| U116 | All           | Aug. 8, 1990. |
| U117 | All           | Aug. 8, 1990. |
| U118 | All           | Aug. 8, 1990. |
| U119 | All           | Aug. 8, 1990. |
| U120 | All           | Aug. 8, 1990. |
| U121 | All           | Aug. 8, 1990. |
| U122 | All           | Aug. 8, 1990. |
| U123 | All           | Aug. 8, 1990. |
| U124 | All           | Aug. 8, 1990. |
| U125 | All           | Aug. 8, 1990. |
| U126 | All           | Aug. 8, 1990. |
| U127 | All           | Aug. 8, 1990. |
| U128 | All           | Aug. 8, 1990. |
| U129 | All           | Aug. 8, 1990. |
| U130 | All           | Aug. 8, 1990. |
| U131 | All           | Aug. 8, 1990. |
| U132 | All           | Aug. 8, 1990. |
| U133 | All           | Aug. 8, 1990. |
| U134 | All           | Aug. 8, 1990. |
| U135 | All           | Aug. 8, 1990. |
| U136 | Wastewater    | Aug. 8, 1990. |
| U136 | Nonwastewater | Aug. 8, 1990. |
| U137 | All           | May 8, 1992.  |
|      |               | Aug. 8, 1990. |

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|      |               |               |
|------|---------------|---------------|
| U138 | All           | Aug. 8, 1990. |
| U140 | All           | Aug. 8, 1990. |
| U141 | All           | Aug. 8, 1990. |
| U142 | All           | Aug. 8, 1990. |
| U143 | All           | Aug. 8, 1990. |
| U144 | All           | Aug. 8, 1990. |
| U145 | All           | Aug. 8, 1990. |
| U146 | All           | Aug. 8, 1990. |
| U147 | All           | Aug. 8, 1990. |
| U148 | All           | Aug. 8, 1990. |
| U149 | All           | Aug. 8, 1990. |
| U150 | All           | Aug. 8, 1990. |
| U151 | Wastewater    | Aug. 8, 1990. |
| U151 | Nonwastewater | May 8, 1992.  |
| U152 | All           | Aug. 8, 1990. |
| U153 | All           | Aug. 8, 1990. |
| U154 | All           | Aug. 8, 1990. |
| U155 | All           | Aug. 8, 1990. |
| U156 | All           | Aug. 8, 1990. |
| U157 | All           | Aug. 8, 1990. |
| U158 | All           | Aug. 8, 1990. |
| U159 | All           | Aug. 8, 1990. |
| U160 | All           | Aug. 8, 1990. |
| U161 | All           | Aug. 8, 1990. |
| U162 | All           | Aug. 8, 1990. |
| U163 | All           | Aug. 8, 1990. |
| U164 | All           | Aug. 8, 1990. |
| U165 | All           | Aug. 8, 1990. |
| U166 | All           | Aug. 8, 1990. |
| U167 | All           | Aug. 8, 1990. |
| U168 | All           | Aug. 8, 1990. |
| U169 | All           | Aug. 8, 1990. |
| U170 | All           | Aug. 8, 1990. |
| U171 | All           | Aug. 8, 1990. |
| U172 | All           | Aug. 8, 1990. |
| U173 | All           | Aug. 8, 1990. |
| U174 | All           | Aug. 8, 1990. |
| U176 | All           | Aug. 8, 1990. |
| U177 | All           | Aug. 8, 1990. |
| U178 | All           | Aug. 8, 1990. |
| U179 | All           | Aug. 8, 1990. |
| U180 | All           | Aug. 8, 1990. |
| U181 | All           | Aug. 8, 1990. |
| U182 | All           | Aug. 8, 1990. |
| U183 | All           | Aug. 8, 1990. |
| U184 | All           | Aug. 8, 1990. |
| U185 | All           | Aug. 8, 1990. |
| U186 | All           | Aug. 8, 1990. |



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|      |     |               |
|------|-----|---------------|
| U187 | All | Aug. 8, 1990. |
| U188 | All | Aug. 8, 1990. |
| U189 | All | Aug. 8, 1990. |
| U190 | All | June 8, 1989. |
| U191 | All | Aug. 8, 1990. |
| U192 | All | Aug. 8, 1990. |
| U193 | All | Aug. 8, 1990. |
| U194 | All | June 8, 1989. |
| U196 | All | Aug. 8, 1990. |
| U197 | All | Aug. 8, 1990. |
| U200 | All | Aug. 8, 1990. |
| U201 | All | Aug. 8, 1990. |
| U202 | All | Aug. 8, 1990. |
| U203 | All | Aug. 8, 1990. |
| U204 | All | Aug. 8, 1990. |
| U205 | All | Aug. 8, 1990. |
| U206 | All | Aug. 8, 1990. |
| U207 | All | Aug. 8, 1990. |
| U208 | All | Aug. 8, 1990. |
| U209 | All | Aug. 8, 1990. |
| U210 | All | Aug. 8, 1990. |
| U211 | All | Aug. 8, 1990. |
| U213 | All | Aug. 8, 1990. |
| U214 | All | Aug. 8, 1990. |
| U215 | All | Aug. 8, 1990. |
| U216 | All | Aug. 8, 1990. |
| U217 | All | Aug. 8, 1990. |
| U218 | All | Aug. 8, 1990. |
| U219 | All | Aug. 8, 1990. |
| U220 | All | Aug. 8, 1990. |
| U221 | All | June 8, 1989. |
| U222 | All | Aug. 8, 1990. |
| U223 | All | June 8, 1989. |
| U225 | All | Aug. 8, 1990. |
| U226 | All | Aug. 8, 1990. |
| U227 | All | Aug. 8, 1990. |
| U228 | All | Aug. 8, 1990. |
| U234 | All | Aug. 8, 1990. |
| U235 | All | June 8, 1989. |
| U236 | All | Aug. 8, 1990. |
| U237 | All | Aug. 8, 1990. |
| U238 | All | Aug. 8, 1990. |
| U239 | All | Aug. 8, 1990. |
| U240 | All | Aug. 8, 1990. |
| U243 | All | Aug. 8, 1990. |
| U244 | All | Aug. 8, 1990. |
| U246 | All | Aug. 8, 1990. |
| U247 | All | Aug. 8, 1990. |

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|      |                               |                |
|------|-------------------------------|----------------|
| U248 | All                           | Aug. 8, 1990.  |
| U249 | All                           | Aug. 8, 1990.  |
| U271 | Mixed with radioactive wastes | Apr. 8, 1998.  |
| U271 | All others                    | July 8, 1996.  |
| U277 | Mixed with radioactive wastes | Apr. 8, 1998.  |
| U277 | All others                    | July 8, 1996.  |
| U278 | Mixed with radioactive wastes | Apr. 8, 1998.  |
| U278 | All others                    | July 8, 1996.  |
| U279 | Mixed with radioactive wastes | Apr. 8, 1998.  |
| U279 | All others                    | July 8, 1996.  |
| U280 | Mixed with radioactive wastes | Apr. 8, 1998.  |
| U280 | All others                    | July 8, 1996.  |
| U328 | Mixed with radioactive wastes | June 30, 1994. |
| U328 | All others                    | Nov. 9, 1992.  |
| U353 | Mixed with radioactive wastes | June 30, 1994. |
| U353 | All others                    | Nov. 9, 1992.  |
| U359 | Mixed with radioactive wastes | June 30, 1994. |
| U359 | All others                    | Nov. 9, 1992.  |
| U364 | Mixed with radioactive wastes | Apr. 8, 1998.  |
| U364 | All others                    | July 8, 1996.  |
| U365 | Mixed with radioactive wastes | Apr. 8, 1998.  |
| U366 | Mixed with radioactive wastes | July 8, 1996.  |
| U366 | All others                    | Apr. 8, 1998.  |
| U367 | Mixed with radioactive wastes | July 8, 1996.  |
| U367 | All others                    | Apr. 8, 1998.  |
| U372 | Mixed with radioactive wastes | Apr. 8, 1998.  |
| U372 | All others                    | July 8, 1996.  |
| U373 | Mixed with radioactive wastes | Apr. 8, 1998.  |
| U373 | All others                    | July 8, 1996.  |
| U375 | Mixed with radioactive wastes | Apr. 8, 1998.  |
| U375 | All others                    | July 8, 1996.  |
| U376 | Mixed with radioactive wastes | Apr. 8, 1998.  |
| U376 | All others                    | July 8, 1996.  |
| U377 | Mixed with radioactive wastes | Apr. 8, 1998.  |
| U377 | All others                    | July 8, 1996.  |
| U378 | Mixed with radioactive wastes | Apr. 8, 1998.  |
| U378 | All others                    | July 8, 1996.  |
| U379 | Mixed with radioactive wastes | Apr. 8, 1998.  |
| U379 | All others                    | July 8, 1996.  |
| U381 | Mixed with radioactive wastes | Apr. 8, 1998.  |
| U381 | All others                    | July 8, 1996.  |
| U382 | Mixed with radioactive wastes | Apr. 8, 1998.  |
| U382 | All others                    | July 8, 1996.  |
| U383 | Mixed with radioactive wastes | Apr. 8, 1998.  |
| U383 | All others                    | July 8, 1996.  |
| U384 | Mixed with radioactive wastes | Apr. 8, 1998.  |
| U384 | All others                    | July 8, 1996.  |

## POLLUTION CONTROL BOARD

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

## NOTICE OF ADOPTED AMENDMENTS

|      |                               |               |
|------|-------------------------------|---------------|
| U385 | Mixed with radioactive wastes | Apr. 8, 1998. |
| U385 | All others                    | July 8, 1996. |
| U386 | Mixed with radioactive wastes | Apr. 8, 1998. |
| U386 | All others                    | July 8, 1996. |
| U387 | Mixed with radioactive wastes | Apr. 8, 1998. |
| U387 | All others                    | July 8, 1996. |
| U389 | Mixed with radioactive wastes | Apr. 8, 1998. |
| U389 | All others                    | July 8, 1996. |
| U390 | Mixed with radioactive wastes | Apr. 8, 1998. |
| U390 | All others                    | July 8, 1996. |
| U391 | Mixed with radioactive wastes | Apr. 8, 1998. |
| U391 | All others                    | July 8, 1996. |
| U392 | Mixed with radioactive wastes | Apr. 8, 1998. |
| U392 | All others                    | July 8, 1996. |
| U393 | Mixed with radioactive wastes | Apr. 8, 1998. |
| U393 | All others                    | July 8, 1996. |
| U394 | Mixed with radioactive wastes | Apr. 8, 1998. |
| U394 | All others                    | July 8, 1996. |
| U395 | Mixed with radioactive wastes | Apr. 8, 1998. |
| U395 | All others                    | July 8, 1996. |
| U396 | Mixed with radioactive wastes | Apr. 8, 1998. |
| U396 | All others                    | July 8, 1996. |
| U400 | Mixed with radioactive wastes | Apr. 8, 1998. |
| U400 | All others                    | July 8, 1996. |
| U401 | Mixed with radioactive wastes | Apr. 8, 1998. |
| U401 | All others                    | July 8, 1996. |
| U402 | Mixed with radioactive wastes | Apr. 8, 1998. |
| U402 | All others                    | July 8, 1996. |
| U403 | Mixed with radioactive wastes | Apr. 8, 1998. |
| U403 | All others                    | July 8, 1996. |
| U404 | Mixed with radioactive wastes | Apr. 8, 1998. |
| U404 | All others                    | July 8, 1996. |
| U407 | Mixed with radioactive wastes | Apr. 8, 1998. |
| U407 | All others                    | July 8, 1996. |
| U409 | Mixed with radioactive wastes | Apr. 8, 1998. |
| U409 | All others                    | July 8, 1996. |
| U410 | Mixed with radioactive wastes | Apr. 8, 1998. |
| U410 | All others                    | July 8, 1996. |
| U411 | Mixed with radioactive wastes | Apr. 8, 1998. |
| U411 | All others                    | July 8, 1996. |

(a) This table does not include mixed radioactive wastes (from the First, Second, and Third rules) which are receiving a national capacity variance until May 8, 1992. This table also does not include contaminated soil and debris wastes.

- (b) The standard was revised in the Third Third Final Rule (adopted by USEPA at 55 Fed. Reg. 22520 (June 1, 1990) and by the Board in docket R90-11 by orders dated April 11, May 23, and August 8 and 22, 1991).
- (c) USEPA amended the standard in the Third Third Emergency Rule (at 58 Fed. Reg. 29860 (May 24, 1993), which the Board adopted in docket R93-16 on March 17, 1994); the original effective date was August 8, 1990.
- (d) The standard was revised in the Phase II Final Rule (which USEPA adopted at 59 Fed. Reg. 47982 (Sept. 19, 1994) and the Board adopted in docket R95-6 by orders dated June 1 and 15, 1995); the original effective date was August 8, 1990.
- (e) The standards for selected reactive wastes was revised in the Phase III Final Rule (which USEPA adopted at 61 Fed. Reg. 15566 (Apr. 8, 1996) and the Board adopted in docket R96-10/R97-3/R97-5 (consolidated) by an order dated November 6, 1997); the original effective date was August 8, 1990.

TABLE 2  
SUMMARY OF EFFECTIVE DATES OF LAND DISPOSAL RESTRICTIONS  
FOR CONTAMINATED SOIL AND DEBRIS (CSD)

| Restricted hazardous waste in CSD  | Effective date |
|--|----------------|
| 1. Solvent-(F001-F005) and dioxin-(F020-F023 and F026-F028) containing soil and debris from CERCLA response or of RCRA corrective actions.   | Nov. 8, 1990.  |
| 2. Soil and debris not from CERCLA response or RCRA corrective actions contaminated with less than one percent total solvents (F001-F005) or dioxins (F020-F023 and F026-F028).  | Nov. 8, 1988.  |
| 3. All soil and debris contaminated with First Third wastes for which treatment standards are based on incineration.   | Aug. 8, 1990.  |
| 4. All soil and debris contaminated with Second Third wastes for which treatment standards are based on incineration.  | June 8, 1991.  |
| 5. All soil and debris contaminated with Third Third wastes or, First or Second Third "soft hammer" wastes which had treatment standards promulgated in the Third Third rule, for which treatment standards are based on incineration, vitrification, or mercury retorting, acid leaching followed | May 8, 1992.   |

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

by chemical precipitation, or thermal recovery of metals, as well as all inorganic solids debris contaminated with D004-D011 wastes, and all soil and debris contaminated with mixed RCRA/radioactive wastes.

6. Soil and debris contaminated with D012-D043, K141-K145, and K147-151 wastes. Dec. 19, 1994.
7. Debris (only) contaminated with F037, F038, K107-K112, K117, K118, K123-K126, K131, K132, K136, U328, U353, U359. Dec. 19, 1994
8. Soil and debris contaminated with K156-K161, P127, P128, P188-P192, P194, P196-P199, P201-P205, U271, U277-U280, U364-U367, U372, U375-U379, U381-U387, U389-U396, U400-U404, U407, and U409-U411 wastes. July 8, 1996.
9. Soil and debris contaminated with K088 wastes. Oct. 8, 1997.
10. Soil and debris contaminated with radioactive wastes mixed with K088, K156-K161, P127, P128, P188-P192, P194, P196-P199, P201-P205, U271, U277-U280, U364-U367, U372, U375-U379, U381-U387, U389-U396, U400-U404, U407, and U409-U411 wastes. April 8, 1998.
11. Soil and debris contaminated with F032, F034, and F035. May 12, 1997.
12. Soil and debris contaminated with newly identified D004-D011 toxicity characteristic wastes and mineral processing wastes. Aug. 24, 1998.
13. Soil and debris contaminated with mixed radioactive newly identified D011 characteristic wastes and mineral processing wastes. May 26, 2000.

BOARD NOTE: This table is provided for the convenience of the reader.

(Source: Amended at 25 Ill. Reg. effective  
12-06-94)

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Pretreatment Programs
- 2) Code Citation: 35 Ill. Adm. Code 310
- 3) Section Numbers: Adopted Action:  
310.107 Amended
- 4) Statutory Authority: 415 ILCS 5/7.2, 13, 13.3 and 27
- 5) Effective Date of Rulemaking: January 11, 2001
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes. Section 310.107 includes incorporations by reference.
- 8) Statement of availability: The adopted amendments, a copy of the Board's opinion and order adopted January 4, 2001, and all materials incorporated by reference are on file at the Board's principal office and are available for public inspection and copying.
- 9) Notice of Proposal Published in Illinois Register: November 13, 2001, 24 Ill. Reg. 16513.
- 10) Has JCAR issued a Statement of Objections to these rules? No. Section 13.3 of the Environmental Protection Act [415 ILCS 5/13.3] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Section 13.3 of the Environmental Protection Act [415 ILCS 5/13.3] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by JCAR.
- 13) Will this rulemaking replace an emergency amendment currently in effect?  
No
- 14) Are there any other amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: A more detailed description is contained in the Board's opinion and order of January 4, 2001 in R01-5,

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

which opinion and order is available from the address below.

The R01-5 proceeding updates the Board's wastewater pretreatment rules to correspond with amendments adopted by USEPA that appeared in the Federal Register during the period January 1, 2001, through June 30, 2000.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Steven C. Langoff  
Attorney  
Illinois Pollution Control Board  
600 S. Second Street, Suite 402  
Springfield, IL 62704  
217/782-2615

Request copies of the Board's opinion and order of R01-5 from Don Brown,  
at 312/814-3464

The full text of the Adopted Amendments begins on the next page:

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE C: WATER POLLUTION  
CHAPTER I: POLLUTION CONTROL BOARD

PART 310  
PRETREATMENT PROGRAMS

## SUBPART A: GENERAL PROVISIONS

| Section |                             |
|---------|-----------------------------|
| 310.101 | Applicability               |
| 310.102 | Objectives                  |
| 310.103 | Federal Law                 |
| 310.104 | State Law                   |
| 310.105 | Confidentiality             |
| 310.107 | Incorporations by Reference |
| 310.110 | Definitions                 |
| 310.111 | New Source                  |

## SUBPART B: PRETREATMENT STANDARDS

| Section |  |
|---------|--|
| 310.201 | General Prohibitions                               |
| 310.202 | Specific Prohibitions                              |
| 310.210 | Specific Limits Developed by POTW                  |
| 310.211 | Local Limits                                       |
| 310.220 | Categorical Standards                              |
| 310.221 | Category Determination Request                     |
| 310.222 | Deadline for Compliance with Categorical Standards |
| 310.230 | Concentration and Mass Limits                      |
| 310.232 | Dilution   |
| 310.233 | Combined Wastestream Formula                       |

## SUBPART C: REMOVAL CREDITS

| Section |   |
|---------|---|
| 310.301 | Special Definitions                                   |
| 310.302 | Authority   |
| 310.303 | Conditions for Authorization to Grant Removal Credits |
| 310.310 | Calculation of Revised Discharge Limits               |
| 310.311 | Demonstration of Consistent Removal                   |
| 310.312 | Provisional Credits                                   |
| 310.320 | Compensation for Overflow                             |
| 310.330 | Exception to POTW Pretreatment Program                |
| 310.340 | Application for Removal Credits Authorization         |
| 310.341 | Agency Review   |
| 310.343 | Assistance of POTW                                    |
| 310.350 | Continuation of Authorization                         |



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

## 310.351 Modification or Withdrawal of Removal Credits

## SUBPART D: PRETREATMENT PERMITS

## Section

310.400 Preamble  
 310.401 Pretreatment Permits  
 310.402 Time to Apply  
 310.403 Imminent Endangerment  
 310.410 Application  
 310.411 Certification of Capacity  
 310.412 Signatures  
 310.413 Site Visit  
 310.414 Completeness  
 310.415 Time Limits  
 310.420 Standard for Issuance  
 310.421 Final Action  
 310.430 Conditions  
 310.431 Duration of Permits  
 310.432 Schedules of Compliance  
 310.441 Effect of a Permit  
 310.442 Modification  
 310.443 Revocation  
 310.444 Appeal

## SUBPART E: POTW PRETREATMENT PROGRAMS

## Section

310.501 Pretreatment Programs Required  
 310.502 Deadline for Program Approval  
 310.503 Incorporation of Approved Programs in Permits  
 310.504 Incorporation of Compliance Schedules in Permits  
 310.505 Reissuance or Modification of Permits  
 310.510 Pretreatment Program Requirements  
 310.521 Program Approval  
 310.522 Contents of Program Submission  
 310.524 Content of Removal Allowance Submission  
 310.531 Agency Action  
 310.532 Defective Submission  
 310.533 Water Quality Management  
 310.541 Deadline for Review  
 310.542 Public Notice and Hearing  
 310.543 Agency Decision  
 310.544 USEPA Objection  
 310.545 Notice of Decision  
 310.546 Public Access to Submission  
 310.547 Appeal

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

## SUBPART F: REPORTING REQUIREMENTS

## Section

310.601 Definition of Control Authority  
 310.602 Baseline Report  
 310.603 Compliance Schedule  
 310.604 Report on Compliance with Deadline  
 310.605 Periodic Reports on Compliance  
 310.606 Notice of Potential Problems  
 310.610 Monitoring and Analysis  
 310.611 Requirements for Non-Categorical Standard Users  
 310.612 Annual POTW Reports  
 310.613 Notification of Changed Discharge  
 310.621 Compliance Schedule for POTW's  
 310.631 Signatory Requirements for Industrial User Reports  
 310.632 Signatory Requirements for POTW Reports  
 310.633 Fraud and False Statements  
 310.634 Recordkeeping Requirements  
 310.635 Notification of Discharge of Hazardous Waste

## SUBPART G: FUNDAMENTALLY DIFFERENT FACTORS

## Section

310.701 Definition of Requester  
 310.702 Purpose and Scope  
 310.703 Criteria  
 310.704 Fundamentally Different Factors  
 310.705 Factors which are Not Fundamentally Different  
 310.706 More Stringent State Law  
 301.711 Application Deadline  
 310.712 Contents of FDF Request  
 310.713 Deficient Requests  
 310.714 Public Notice  
 310.721 Agency Review of FDF Requests  
 310.722 USEPA Review of FDF Requests

## SUBPART H: ADJUSTMENTS FOR POLLUTANTS IN INTAKE

## Section

310.801 Net/Gross Calculation by USEPA

## SUBPART I: UPSETS

## Section

310.901 Definition  
 310.902 Effect of an Upset  
 310.903 Conditions Necessary for an Upset  
 310.904 Burden of Proof  
 310.905 Reviewability of Claims of Upset

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

## 310.906 User Responsibility in Case of Upset

## SUBPART J: BYPASS

| Section | Definition            | Bypass Not Violating Requirements | Applicable Pretreatment Standards or |
|---------|-----------------------|-----------------------------------|--------------------------------------|
| 310.911 |                       |                                   |                                      |
| 310.912 | Notice                |                                   |                                      |
| 310.913 | Prohibition of Bypass |                                   |                                      |

## SUBPART K: MODIFICATION OF POTW PRETREATMENT PROGRAMS

| Section | General   |
|---------|---|
| 310.920 |   |
| 310.921 | Substantial Modifications Defined                     |
| 310.922 | Approval Procedures for Substantial Modifications     |
| 310.923 | Approval Procedures for Non-Substantial Modifications |
| 310.924 | Incorporation of Modifications into the Permit        |

**AUTHORITY:** Implementing and authorized by Sections 7.2, 13, 13.3, and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 13, 13.3 and 27].

**SOURCE:** Adopted in R86-44 at 12 Ill. Reg. 2502, effective January 13, 1988; amended in R88-18 at 13 Ill. Reg. 2463, effective January 31, 1989; amended in R89-3 at 13 Ill. Reg. 19243, effective November 27, 1989; amended in R89-12 at 14 Ill. Reg. 7608, effective May 8, 1990; amended in R91-5 at 16 Ill. Reg. 7346, effective April 27, 1992; amended in R95-22 at 20 Ill. Reg. 5533, effective April 1, 1996; amended in R96-12 at 20 Ill. Reg. 10671, effective July 24, 1996; amended in R97-7 at 21 Ill. Reg. 5163, effective April 10, 1997; amended in R98-23 at 22 Ill. Reg. 11465, effective June 22, 1998; amended in R99-17 at 23 Ill. Reg. 8412, effective July 12, 1999; amended in R00-7 at 24 Ill. Reg. 2372, effective January 26, 2000; amended in R00-15 at 24 Ill. Reg. 11633, effective July 24, 2000; amended in R01-5 at 25 Ill. Reg. 1322, effective JAN 1 2001.

## SUBPART A: GENERAL PROVISIONS

## Section 310.107 Incorporations by Reference

- a) The following publications are incorporated by reference:
- 1) The consent decree in NRDC v. Costle, 12 Environment Reporter Cases 1833 (D.C. Cir. August 16, 1978).
  - 2) Standard Industrial Classification Manual (1972), and 1977 Supplement, republished in 1983, available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20401.
- b) The following provisions of the Code of Federal Regulations are

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

## incorporated by reference:

- 40 CFR 2.302 (1999)
  - 40 CFR 25 (1999)
  - 40 CFR 122, Appendix D, Tables II and III (1999)
  - 40 CFR 128.140(b) (1977)
  - 40 CFR 136 (1999), as amended at 64 Fed. Reg. 42552, August 4, 1999, and 64 Fed. Reg. 73414, December 30, 1999, and 65 Fed. Reg. 3008, January 19, 2000
  - 40 CFR 403 (1999)
  - 40 CFR 403, Appendix D (1999)
- c) The following federal statutes are incorporated by reference:
- 1) Section 1001 of the Criminal Code (18 USC 1001) as of July 1, 1988
  - 2) Clean Water Act (33 USC 1251 et seq.) as of July 1, 1988
  - 3) Subtitles C and D of the Resource Conservation and Recovery Act (42 USC 6901 et seq.) as of July 1, 1988
- d) This Part incorporates no future editions or amendments.
- (Source: Amended at 25 Ill. Reg. 1322, effective JAN 1 2001)

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Primary Drinking Water Standards2) Code citation: 35 Ill. Adm. Code 6113) Section numbers: Adopted action:

|         |          |
|---------|----------|
| 611.126 | Amended  |
| 611.131 | Amended  |
| 611.261 | Amended  |
| 611.262 | Amended  |
| 611.300 | Amended  |
| 611.325 | Amended  |
| 611.351 | Amended  |
| 611.352 | Amended  |
| 611.354 | Amended  |
| 611.355 | Amended  |
| 611.356 | Amended  |
| 611.357 | Amended  |
| 611.358 | Amended  |
| 611.359 | Amended  |
| 611.360 | Amended  |
| 611.383 | Amended  |
| 611.527 | Amended  |
| 611.560 | Amended  |
| 611.606 | Amended  |
| 611.612 | Amended  |
| 611.646 | Amended  |
| 611.648 | Amended  |
| 611.684 | Amended  |
| 611.731 | Amended  |
| 611.732 | Amended  |
| 611.745 | Amended  |
| 611.832 | Repealed |
| 611.840 | Amended  |
| 611.851 | Repealed |
| 611.852 | Repealed |
| 611.853 | Repealed |
| 611.854 | Repealed |
| 611.855 | Repealed |
| 611.856 | Repealed |
| 611.858 | Repealed |
| 611.860 | Amended  |
| 611.881 | Amended  |
| 611.883 | Amended  |
| 611.884 | Amended  |
| 611.885 | Amended  |
| 611.901 | New      |
| 611.902 | New      |
| 611.903 | New      |

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|            |               |
|------------|---------------|
| 611.904    | New           |
| 611.905    | New           |
| 611.906    | New           |
| 611.907    | New           |
| 611.908    | New           |
| 611.909    | New           |
| 611.910    | New           |
| APPENDIX A | Repealed, New |
| APPENDIX E | Amended       |
| APPENDIX F | Repealed, New |
| APPENDIX G | Repealed, New |
| APPENDIX H | Repealed, New |
| APPENDIX I | New           |
| TABLE G    | Amended       |

4) Statutory authority: 415 ILCS 5/7.2, 17.5, and 27.5) Effective date of amendments: January 11, 20016) Does this rulemaking contain an automatic repeal date? No

7) Do these amendments contain incorporations by reference? Although the text of Part 611 includes numerous incorporations by reference, and the current amendments add language incorporating a national standard into a new segment of the rules, the present amendments do not add new incorporations. The national standard now incorporated for the purposes of Section 611.356(g)(1)(A)(ii) was formerly incorporated for the purposes of Section 611.126(b)(3)

8) The adopted amendments, a copy of the Board's opinion and order adopted January 4, 2001, and all materials incorporated by reference are on file at the Board's principal office and are available for public inspection and copying.

9) Notice of proposal published in Illinois Register: October 27, 2000, 24 Ill. Reg. 15518

10) Has JCAR issued a Statement of Objections to these rules? No. Section 17.5 of the Environmental Protection Act [415 ILCS 5/17.5] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).

11) Differences between proposal and final version: The following table summarizes the differences between the amendments proposed by the Board in an opinion and order dated September 21, 2000, in docket R01-7, and the amendments adopted in the Board's opinion and order of January 4, 2001.

## POLLUTION CONTROL BOARD

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

## NOTICE OF ADOPTED AMENDMENTS

Many of the differences are explained in greater detail in the Board's January 4, 2001 opinion and order.

Revisions to the Text of the Proposed Amendments in Final Adoption

| Section Revised  | Source(s) of Revision(s)  |  |
|--|---|--|
| 611 table of contents, JCAR<br>Section 611.909 heading     | Changed to capitalized "Non-Community" to agree with the Section heading in the text  |  |
| 611 table of contents, JCAR, SOS, Board<br>Table G heading | Changed "Monitoring Requirements" to "Section 611.357 Monitoring Requirements" to agree with the Section heading in the text; removed the footnote marking "1." |  |
| 611.131 preamble   | USEPA<br>Corrected the cross-reference from "42 USC 300g-1" to "42 USC 300g-4(e)"   |  |
| 611.131(c) Board note                                      | JCAR<br>Changed "pre - 1986" to "pre-1986" for consistency (twice)  |  |
| 611.131(f)(1)(B)   | JCAR<br>Removed an unnecessary comma from before a prepositional clause   |  |
| 611.131(f)(2)(C) Board note                                | JCAR<br>Changed to singular "term"  |  |
| 611.131(g)(2)(A)   | JCAR<br>Changed "contaminant(s)" to "contaminants"  |  |
| 611.131(g)(2)(B)   | Board, JCAR<br>Changed "contaminant(s)" to "contaminants"; added a comma before "using" to clarify the meaning; corrected the cross-reference to "Appendix H"   |  |

|                        |   |  |
|------------------------|---|--|
| 611.261(a)(5)          | JCAR<br>Changed "less" to more appropriate "fewer"  |  |
| 611.261(a)(7)          | JCAR<br>Corrected "dates . . . was" to "dates . . . were"   |  |
| 611.261(b)(8)          | JCAR<br>Changed the cross-reference to "Section 611.240 through 611.242"  |  |
| 611.261(b)(8)(F)       | Board, JCAR<br>Reformatted the equation into the standard equation format; removed the ending periods from the definitions of the variables (five times)  |  |
| 611.261(c)             | JCAR<br>Corrected the cross-reference to "Section 611.232(b)"   |  |
| 611.261 Board note     | JCAR, USEPA<br>Corrected the source reference to "65 Fed. Reg. 26022"   |  |
| 611.262(a)             | JCAR<br>Changed to written "ten"  |  |
| 611.262(b)             | JCAR<br>Changed to written "ten"  |  |
| 611.262(b)(3)(F)       | JCAR, Board<br>Removed the ending semicolons (four times), period (once), and conjunction "and" from the definitions of the variables   |  |
| 611. Subpart F heading | JCAR, Board<br>Added the apostrophe missing from "(MCL's)" and showed it as overstruck for deletion in the present amendments; added "and Maximum Residual Disinfectant Levels (MRDLs)" to the Subsection heading to agree with the table of contents |  |
| 611.300(b)             | JCAR<br>Changed "MCL's" to "MCLs"   |  |



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|                       |             |  |
|-----------------------|-------------|--|
| 611.300(d)(4)         | JCAR        | Changed "Public Health" to "the Department of Public Health"   |
| 611.300(d) Board note | JCAR        | Changed "Public Health" to "the Department of Public Health"   |
| 611.325(a)(1)         | Board       | Changed "which" to "that" for a restrictive relative clause  |
| 611.325(a)(2)         | Board       | Changed "which" to "that" for a restrictive relative clause  |
| 611.325(b)            | USEPA       | Corrected "Section 611.851 et seq." to "Subpart V of this Part"  |
| 611.325(c)            | Board       | Changed "shall" to "must"; corrected the cross-reference to "subsections (a) and (b) of this Section"                          |
| 611.325(d)            | Board       | Corrected the cross-reference to "subsections (a) and (b) of this Section"   |
| 611.325(d)(5)         | Board       | Changed "U.S. EPA" to "USEPA"  |
| 611.325 Board note    | Board       | Updated the Code of Federal Regulations source of this provision, including the Federal Register citation for later amendments |
| 611.351(a)(2)         | JCAR        | Changed "3300" to "3,300"; deleted redundant "or fewer"  |
| 611.351(b)(2)         | JCAR, Board | Changed "this subsection" to "this subsection (b)(2)"  |

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|                             |             |   |
|-----------------------------|-------------|---|
| 611.351(b)(3)(A)            | JCAR        | Changed "6-month" to written "six-month"  |
| 611.351(b)(3)(B)            | JCAR, Board | Changed "this subsection" to "this subsection (b)"  |
| 611.351(b)(3)(B) Board note | JCAR        | Changed to capitalized "State"  |
| 611.351(b)(3)(C)            | JCAR, Board | Changed "this subsection" to "this subsection (b)"  |
| 611.351(b)(3)(E)            | JCAR, Board | Changed "that subsection" to "that subsection (e)"; changed "medium-size" to "medium-sized" |
| 611.351(c)(1)(B)            | JCAR        | Capitalized the opening word "the"  |
| 611.351(d)(1) Board note    | JCAR        | Changed to capitalized "State"  |
| 611.352(c)(3)               | JCAR, Board | Changed "this subsection" to "this subsection (c)"  |
| 611.352(g)                  | JCAR        | Changed "this subsection" to "this subsection (g)"  |
| 611.354(d)(1)(D)            | JCAR        | Moved the closing period outside the quotation mark   |
| 611.354(f)(1)(A)            | JCAR        | Added an ending semicolon before the conjunction  |
| 611.355(a)(1) Board note    | JCAR, USEPA | Corrected "lead an copper" to "lead and copper"   |
| 611.355(c)(8)(A)            | JCAR, USEPA | Corrected the cross-reference to "subsection (c)(2)(D)"                                     |
| 611.356(a)(4)(B)(i)         | JCAR        | Showed identical text moved to subsection (a)(4)(B)(ii) as removed                          |

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|                                  |              |  |
|----------------------------------|--------------|--|
| 611.356(a)(4)(B)(ii)             | JCAR         | Shown identical text moved from subsection (a)(4)(B)(i) as added   |
| 611.356(a)(4)(B)(iii)            | JCAR         | Changed the format of the subsection number amendment from "iii" to "iiii"   |
| 611.356(a)(4)(B)(iii) Board note | JCAR, USEPA  | Corrected cross-reference to "40 CFR 141.86(a)(7)"   |
| 611.356(c)                       | JCAR         | Added the ending period  |
| 611.356(c)(2)                    | USEPA        | Corrected "may" to "must"  |
| 611.356(d)                       | JCAR         | Added the ending period  |
| 611.356(d)(4)(B)(ii)             | USEPA, Board | Changed "eligible to commence monitoring" to "reduce its monitoring frequency to once every three years"   |
| 611.356(d)(4)(F)(i)              | Board, USEPA | Changed "system" to "supplier"; split a runon sentence "Any such supplier may resume annual monitoring . . . and/or may resume monitoring once every three years . . ." into two sentences "Any such supplier may resume annual monitoring . . . Any such supplier resume monitoring once every three years . . ." |
| 611.356(d)(4)(F)(ii)             | USEPA        | Corrected "water sampling for more than nine days in any six-month period specified in Section 611.357(d) in accordance with subsection (d)(3)" to "water sampling for lead and copper at the frequency specified in subsection (d)(3)"  |

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|                                 |       |   |
|---------------------------------|-------|---|
| 611.356(d)(4)(H)                | JCAR  | Corrected cross-reference to "subsection (d)(4)(F)"   |
| 611.356(d)(4)(H) Board note     | JCAR  | Changed "C.F.R." to "CFR"   |
| 611.356(e)                      | JCAR  | Changed to capitalized "this Section"   |
| 611.356(g)(1)(A)(ii) Board note | JCAR  | Changed "U.S.C." to "USC"   |
| 611.356(g)(4)(C)                | JCAR  | Corrected "lead-containing" to "lead-containing"  |
| 611.356(g)(5)                   | JCAR  | Corrected "any . . . occur" to singular "any . . . occurs"  |
| 611.357(c)(2)                   | USEPA | Removed the proposed introductory parenthetical "except as provided in subsection (c)(3) of this Section" |
| 611.357(c)(3)                   | JCAR  | Changed "ground water" to "groundwater" (three times)   |
| 611.357(c)(5)                   | USEPA | Added as a parenthetical offset by commas "except as provided in subsection (c)(3) of this Section"       |
| 611.357(f)                      | JCAR  | Changed to capitalized "this Section"   |
| 611.360(a)(1)                   | JCAR  | Changed "six-months" to "six months"  |
| 611.360(a)(1)(C)                | Board | Corrected "40 CFR 141.89(a)(1)(iii)" to "40 CFR 141.90(a)(1)(iii)"  |
| 611.360(a)(4)(B)                | JCAR  | Corrected "Sections 611.356(g)(4)(A) and (g)(4)(ii)" to "Sections 611.356(g)(4)(A) and 611.356(g)(4)(A)"  |

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|                  |                 |  |
|------------------|-----------------|--|
| 611.360(e)(2)(B) | JCAR            | (g)(4)(B)"<br>Corrected "an individual lines" to "individual lines"  |
| 611.360(f)(1)(A) | JCAR            | Corrected the cross-reference to "Sections 611.335(a) and (b)"   |
| 611.383(b)(1)(B) | Board           | Changed "shall" to "must"; changed "which" to "that"   |
| 611.383(b)(1)(C) | USEPA           | Corrected "Section 611.851" to "Subpart V of this Part"  |
| 611.383(b)(2)    | Board,<br>USEPA | Corrected the cross-reference to "Section 611.382(b)(3)"; changed "shall" to "must"; corrected "Section 611.851" to "Subpart V of this Part" |
| 611.383(b)(3)    | Board,<br>USEPA | Changed "shall" to "must"; corrected "Section 611.851" to "Subpart V of this Part"   |
| 611.383(c)(1)(A) | Board,<br>USEPA | Changed "shall" to "must"; corrected "Section 611.851" to "Subpart V of this Part"   |
| 611.383(c)(2)(A) | Board,<br>USEPA | Changed "shall" to "must" (three times); corrected "Section 611.851(a)(3)" to "Subpart V of this Part" (twice)                               |
| 611.383(c)(2)(B) | Board,<br>USEPA | Changed "shall" to "must" (three times); corrected "Section 611.851(a)(3)" to "Subpart V of this Part" (twice)                               |
| 611.383(d)       | USEPA           | Corrected "Section 611.851(a)(3)" to "Subpart V of this Part"  |

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|                    |                 |   |
|--------------------|-----------------|---|
| 611.383 Board note | Board           | Added a Board note indicating the Code of Federal Regulations source of this provision, including the appropriate Federal Register citation |
| 611.383(d)         | USEPA           | Corrected "Section 611.851(a)(3)" to "Subpart V of this Part"   |
| 611.527(a)         | Board,<br>USEPA | Changed "which" to "that"; changed "shall" to "must"; corrected "Subpart T" to "Subpart V of this Part"                                     |
| 611.527(b)         | Board,<br>USEPA | Changed "which" to "that"; changed "shall" to "must"; corrected "Subpart T" to "Subpart V of this Part"                                     |
| 611.527 Board note | Board           | Updated the Code of Federal Regulations source of this provision, including the Federal Register citation for later amendments              |
| 611.560(a)         | Board           | Changed "shall" to "must"   |
| 611.560(b)         | Board,<br>USEPA | Changed "shall" to "must" (twice); corrected "Subpart T" to "Subpart V of this Part"  |
| 611.560 Board note | Board           | Updated the Code of Federal Regulations source of this provision, including the Federal Register citation for later amendments              |
| 611.606(b)(1)      | USEPA,<br>JCAR  | Removed the parenthetical "based on the initial sample"; added "immediately"; corrected the cross-reference to "Subpart V of this Part"     |

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|               |              |   |
|---------------|--------------|---|
| 611.612(a)(3) | Board        | Changed "this subsection" to "this subsection (a)(3)"; updated the Code of Federal Regulations counterpart for this provision; changed "U.S. EPA" to "USEPA" (twice)                        |
| 611.612(a)(4) | Board        | Changed "this subsection" to "this subsection (a)(4)"; updated the Code of Federal Regulations counterpart for this provision; changed "U.S. EPA" to "USEPA"                                |
| 611.612(b)    | Board        | Changed "subsection (a) above" to "subsection (a) of this Section"; changed "shall" to "must"   |
| 611.612(c)    | Board, USEPA | Changed "subsection (b) above" to "subsection (b) of this Section"; changed "shall" to "must"; the corrected cross-reference to "Subpart V of this Part"                                    |
| 611.612(d)    | Board        | Changed "this subsection" to "this subsection (d)"; added the date to the citation to the Code of Federal Regulations counterpart for this provision; changed "U.S. EPA" to "USEPA" (twice) |
| 611.612(e)    | Board        | Changed "this subsection" to "this subsection (d)"; added the date to the citation to the Code of Federal Regulations counterpart for this provision; changed "U.S. EPA" to "USEPA"         |

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|   |       |   |
|---|-------|---|
| 611.612(f)(1)                           | Board | Changed "subsections (a) through (f) above" to "subsections (a) through (f) of this Section";   |
| 611.612 Board note                      | Board | Changed "shall" to "must"; updated the Code of Federal Regulations source of this provision, including the Federal Register citation for later amendments to "USEPA" (twice); changed "subsection (f)(2) above" to "subsection (f)(2) of this Section"; changed "subsections (f)(2) through (f)(4) above" to "subsections (f)(2) through (f)(4) of this Section"; changed "subsections (f)(2) through (f)(4) of this Section"; changed "subsections (a) through (e) above" to "subsections (a) through (e) of this Section"; changed "subsection (f) above" to "subsection (f) of this Section" |
| 611.646(a) "detect"                     | Board | Moved the period inside the closing quotation marks   |
| 611.646(a) "detection limit" Board note | Board | Updated the Code of Federal Regulations source of this provision, including the Federal Register citation for later amendments; moved the period inside the closing quotation marks (twice)   |
| 611.646(a) detection limit              | Board | Moved the comma inside the closing quotation marks; changed "subsections (q)  |



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

611.646(a) "method Board and (t) below" to "subsections (q) and (t) of this Section"

Updated the Code of Federal Regulations source of this provision; changed "subsection (u) below" to "subsection (u) of this Section"

611.646(b) Board Changed "shall" to "must"; changed "subsection (t) below" to "subsection (t) of this Section"

611.646(c)(1) Board Changed "SEP" to "a SEP granted pursuant to Section 611.110"; changed "shall" to "must"

611.646(c)(2) Board Changed "SEP" to "a SEP granted pursuant to Section 611.110"; changed "shall" to "must"

611.646(c)(3) Board Changed "shall" to "must"; added "pursuant to Section 611.110"

611.646(c)(4) Board Changed "shall" to "must"

611.646(c) Board note Board Changed "subsections (b) and (c) above" to "subsections (b) and (c) of this Section"; updated the Code of Federal Regulations source of this provision

611.646(d) Board Changed "shall" to "must"

611.646(e) Board Changed "subsection (r)(1) below" to "subsection (r)(1) of this Section"; changed "shall" to "must"

611.646(f) Board Changed "shall" to "must"

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

611.646(g) Board Changed "subsection (d) above" to "subsection (d) of this Section" (twice); changed "subsection (e) or (f) above" to "subsection (e) or (f) of this Section"; deleted "pursuant to Section 611.110"

611.646(g) Board note Board Updated the Code of Federal Regulations source of this provision; deleted "below"; changed "subsections (i) and (j) below" to "subsections (i) and (j) of this Section"; moved the comma inside the closing quotation marks; changed "subsection (a) above" to "subsection (a) of this Section"

611.646(h) Board Changed "shall" to "must"; changed "subsections (d), (e), or (f) above" to "subsection (d), (e), or (f) of this Section"; changed "subsection (g) above" to "subsection (g) of this Section"

611.646(i) Board Changed "subsection (g) above" to "subsection (g) of this Section" (three times); changed "subsection (d) above" to "subsection (d) of this Section" (twice); changed "shall" to "must" (twice); changed "subsection (h) above" to "subsection (h) of this Section"

611.646(i)(1) Board Removed an unnecessary comma at the end of the subsection

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|                       |       |  |
|-----------------------|-------|--|
| 611.646(i) Board note | Board | Changed "this provision" to "subsection (i) of this Section"   |
| 611.646(j)(1)         | Board | Added "to Section 611.110"; changed "subsection (g) above" to "subsection (g) of this Section"   |
| 611.646(j) Board note | Board | Updated the Code of Federal Regulations source of this provision (twice); changed "subsection (g) above" to "subsection (g) of this Section"; changed "subsection (j) above" to "subsection (j) of this Section"; changed "subsection (i) above" to "subsection (i) of this Section" |
| 611.646(k)            | Board | Changed "Phase I VOCs, excluding vinyl chloride, Phase II, or Phase V VOCs" to "Phase I VOCs, excluding vinyl chloride; a Phase II VOC; or a Phase V VOC"  |
| 611.646(k)(1)         | Board | Changed "shall" to "must"  |
| 611.646(k)(2)(A)      | Board | Changed "shall" to "must"  |
| 611.646(k)(2)(C)      | Board | Changed "shall" to "must" (twice); changed "subsection (k)(1) above" to "subsection (k)(1) of this Section"  |
| 611.646(k)(3)         | Board | Changed "shall" to "must"; changed "quarter(s)" to "quarters"  |
| 611.646(k)(4)         | Board | Changed "subsection (g) above" to "subsection (g) of this Section"   |

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|                  |       |  |
|------------------|-------|--|
| 611.646(k)(5)    | Board | Changed (k)(5)(A) below" to "subsection (k)(5)(A) of this Section"; changed "subsection (k)(5)(B) below" to "subsection (k)(5)(B) of this Section"; changed "subsection (k)(5)(C) below" to "subsection (k)(5)(C) of this Section" |
| 611.646(k)(5)(B) | Board | Changed "shall" to "must"; changed "subsection (k)(5)(A) above" to "subsection (k)(5)(A) of this Section"  |
| 611.646(k)(5)(C) | Board | Changed "shall" to "must"; changed "subsection (k)(5)(B) above" to "subsection (k)(5)(B) of this Section"  |
| 611.646(l)(1)    | Board | Changed "subsection (o) below" to "subsection (o) of this Section"; changed "shall" to "must"  |
| 611.646(l)(2)(A) | Board | Changed "shall" to "must"  |
| 611.646(l)(2)(C) | Board | Changed "shall" to "must" (twice); changed "subsection (l)(1) above" to "subsection (l)(1) of this Section"  |
| 611.646(l)(2)(D) | Board | Changed "shall" to "must"; changed "quarter(s)" to "quarters"  |
| 611.646(m)(1)    | Board | Changed "shall" to "must"  |
| 611.646(m)(2)    | Board | Changed "subsection (o) below" to "subsection (o) of this Section"   |
| 611.646(m)(3)    | Board | Changed "shall" to "must"  |

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|                       |       |  |
|-----------------------|-------|--|
| 611.646(n)            | Board | Changed "this subsection" to "this subsection (n)"; updated the Code of Federal Regulations source of this provision |
| 611.646(o)(1)(C)      | Board | Changed "shall" to "must"  |
| 611.646(o)(3)         | USEPA | Removed the subsection to correspond with federal amendments   |
| 611.646(p) Board note | Board | Changed "this provision" to "this subsection (p)"; updated the Code of Federal Regulations source of this provision  |
| 611.646(q)(1)(B)      | Board | Changed "subsections (q)(1)(C) and (q)(1)(D) below" to "subsections (q)(1)(C) and (q)(1)(D) of this Section"         |
| 611.646(q)(1)(C)      | Board | Changed "subsection (q)(1)(A) above" to "subsections (q)(1)(A) of this Section"                                      |
| 611.646(q)(1)(D)      | Board | Changed "subsection (q)(1)(A) above" to "subsections (q)(1)(A) of this Section"                                      |
| 611.646(q)(2)(B)      | Board | Changed "subsection (q)(2)(A) above" to "subsections (q)(2)(A) of this Section"                                      |
| 611.646(q)(2)(D)      | Board | Changed "subsection (q)(1) above" to "subsections (q)(1) of this Section"  |
| 611.646(r)(1)         | Board | Changed "shall" to "must"  |
| 611.646(r)(2)         | Board | Changed "shall" to "must"; changed "subsection (r)(1) above" to "subsections above"                                  |

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|   |       |  |
|---|-------|--|
| 611.646(s)                              | Board | (r)(1) of this Section"<br>Changed "SEP" to "a SEP issued pursuant to Section 611.110"   |
| 611.646(t)                              | Board | Changed "subsection (q)(1) or (q)(2) above" to "subsections (q)(1) or (q)(2) of this Section"                                  |
| 611.646(u)                              | Board | Changed "shall" to "must"  |
| 611.646 Board note                      | Board | Updated the Code of Federal Regulations source of this provision, including the Federal Register citation for later amendments |
| 611.648(a) "detection limit" Board note | JCAR  | Changed to capitalized "this Section"  |
| 611.648(d)(2)                           | JCAR  | Removed the comma from between "period" and "must"   |
| 611.648(d)(3)                           | JCAR  | Removed the comma from between "period" and "must"   |
| 611.648(f)                              | JCAR  | Changed to lower-case "assessment"   |
| 611.648(j)                              | JCAR  | Changed "this subsection" to "this subsection (j)"   |
| 611.648(p)                              | JCAR  | Changed "this subsection" to "this subsection (p)"; changed to capitalized "State"; changed to capitalized "State's"           |
| 611.648(r)(2)                           | Board | Changed the generic name to lower-cased "silvex"   |
| 611.648(s)                              | JCAR  | Changed to lower-case "certification"  |
| 611.648(s)(2)                           | JCAR  | Added a comma after "SOCs" to offset a parenthetical   |

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|                    |                 |  |
|--------------------|-----------------|--|
| 611.648(s)(2)(B)   | JCAR,<br>Board  | Changed "the acceptance limits in subsection (s)(2)(C) of this Section" to "the following acceptance limits"; changed the ending punctuation from a period to a colon; removed the heading from former subsection (s)(2)(C) and merged the two subsections; changed to lower-case "dechlorobiphenyl"; changed the generic name to lower-cased "silvex" |
| 611.684            | Board,<br>USEPA | Changed "shall" to "must"; corrected the cross-reference to "Subpart V of this Part"   |
| 611.684 Board note | Board           | Updated the Code of Federal Regulations source of this provision, including the Federal Register citation for later amendments   |
| 611.731(c)         | Board           | Changed "shall" to "must"; changed "subsection (a)" to "subsection (a) of this Section" (three times)  |
| 611.731(c)(1)      | Board           | Changed "which" to "that"  |
| 611.731(c)(2)      | Board           | Changed "shall" to "must"; changed "subsection (a)" to "subsection (a) of this Section"; changed "which" to "that"   |
| 611.731(c)(4)      | Board           | Changed "which" to "that"; changed "subsection (a)" to "subsection (a) of this Section"  |
| 611.731(c)(5)      | Board           | Changed "shall" to "must"  |

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|                    |                 |  |
|--------------------|-----------------|--|
| 611.731(d)         | Board,<br>USEPA | Changed "shall" to "must"; corrected the cross-reference to "Subpart V of this Part"   |
| 611.731 Board note | Board           | Updated the Code of Federal Regulations source of this provision, including the Federal Register citation for later amendments |
| 611.732(a)(3)      | Board           | Changed "subsection (d)" to "subsection (d) of this Section"   |
| 611.732(c)         | Board           | Changed "shall" to "must"; changed "subsection (a)" to "subsection (a) of this Section"  |
| 611.732(d)(1)      | Board           | Corrected the spelling of "constituents"   |
| 611.732(e)         | Board,<br>USEPA | Changed "shall" to "must"; corrected the cross-reference to "Subpart V of this Part"   |
| 611.732 Board note | Board           | Updated the Code of Federal Regulations source of this provision, including the Federal Register citation for later amendments |
| 611.745(b)(1)      | JCAR            | Changed "within seven days of . . ." to "within seven days after . . ."  |
| 611.745(b)(3)      | JCAR            | Changed "within 14 days of . . ." to "within 14 days after . . ."; changed to hyphenated "self-assessment"                     |
| 611.745(c)(2)      | JCAR            | Corrected "the turbidity . . . exceed" to singular "the turbidity . . . exceeds"   |



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|                       |                |  |
|-----------------------|----------------|--|
| 611.840(d)            | JCAR,<br>USEPA | Changed "within 10 days of . . ." to "within 10 days after . . ."; corrected the cross-reference from "Subpart Q of this part" to "Subpart V of this Part" |
| 611.881(d)            | JCAR           | Changed commas to semicolons to separate the elements of a series that contains subseries (three times)  |
| 611.883(c)(3)(A)      | JCAR           | Changed to lower-cased "technique"   |
| 611.883(c)(3)(B)      | JCAR           | Changed to lower-cased "level"   |
| 611.883(d)(4)(A)      | JCAR           | Changed "as provided" to "as provided in"  |
| 611.883(d)(4)(E)(ii)  | JCAR           | Changed to lower-cased "the" (the first appearance); reverted to upper-cased "The" (the second appearance)   |
| 611.883(d)(4)(E)(iii) | JCAR           | Reverted to upper-cased "The" (the second appearance)  |
| 611.884(a)            | JCAR           | Corrected "Center for Disease Control" to "Centers for Disease Control and Prevention"   |
| 611.885(b)            | JCAR,<br>Board | Changed "using means recommended by the Agency" to "using a means approved by the Agency by a SEP granted pursuant to Section 611.110"                     |
| 611.885(g)(2)         | JCAR,<br>Board | Added "by" before "door-to-door"; added a comma after "delivery" to offset the final element of  |

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|                  |                 |  |
|------------------|-----------------|--|
| 611.885(h)       | USEPA           | a series<br>Corrected "no less than five years" to "no less than three years" to correspond with a federal amendment                   |
| 611.901(a)       | JCAR            | Changed "a NTNCWS" to "an NTNCWS"; changed "a NPDWR" to "an NPDWR"   |
| 611.901(b)       | JCAR            | Corrected the cross-reference to "subsection (a) of this Section"  |
| 611.902(a)       | USEPA,<br>Board | Changed "which violations or situations require . . ." to "violations or situations that require . . ."                                |
| 611.902(a)(2)    | JCAR,<br>Board  | Changed "within 24 hours of . . ." to "within 24 hours after . . ."; changed "the first sample" to "the results from the first sample" |
| 611.902(a)(6)    | JCAR            | Changed to capitalized "Rule"  |
| 611.903(a)       | USEPA,<br>Board | Changed "which violations or situations require . . ." to "violations or situations that require . . ."                                |
| 611.903(b)(1)    | JCAR            | Changed to past-tense "issued"   |
| 611.903(c)(2)(B) | JCAR            | Deleted the comma from after the ending conjunction "or" in a series   |

## POLLUTION CONTROL BOARD

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

## NOTICE OF ADOPTED AMENDMENTS

611.904(a) USEPA, Board Changed "which violations or situations require . . ." to "violations or situations that require . . ."

611.904(c)(1)(B) JCAR, USEPA, Agency Corrected the spelling of "following"

611.904(c)(2)(B) JCAR Deleted the comma from after the ending conjunction "or" in a series

611.905(a) JCAR Changed "a NPDWR" to "an NPDWR"

611.905(c)(2)(A) JCAR, Agency, USEPA Added an indefinite article to "for a PWS"; removed the parenthetical "by a SEP issued . . ."

611.906(b) USEPA Added missing "the violation" as an element of a series separated by a comma

611.907(a) JCAR Changed "a NTNCWS" to "an NTNCWS"

611.907(b) JCAR Changed "Secs." to "Sections"

611.908(a) USEPA, JCAR Added the abbreviation "SMCL" in parentheses; changed "mg/l" to the defined abbreviation "mg/L" (twice); corrected to singular "supplier . . . does"; changed "secondary standard" to "SMCL"

611.908(c) JCAR, Board Changed "mg/l" to the defined abbreviation "mg/L" (twice); removed unnecessary closing quotation mark

611.909(b) JCAR Changed "mg/l" to the defined abbreviation "mg/L"

611.910(a) JCAR Changed to capitalized "Subpart"

611.Appendix A "total USEPA coliform bacteria" Added "fewer than" (four times); added "<" (twice)

611.Appendix A "total JCAR, USEPA organic carbon" Changed "by products" to "byproducts"

611.Appendix A "alpha JCAR emitters" Changed "pCi/l" to the defined abbreviation "pCi/L" (twice)

611.Appendix A "combined JCAR radium" Changed "pCi/l" to the defined abbreviation "pCi/L" (twice)

611.Appendix A "nitrate" JCAR Corrected "sew age" to "sewage"

611.Appendix A "nitrite" JCAR Corrected "sew age" to "sewage"

611.Appendix A "2,4,5-TP" JCAR Changed the generic name to lower-cased "silvex"

611.Appendix "benzo(a)pyrene" A JCAR Changed to the defined abbreviation "nanograms/L"

611.Appendix "dibromochloro-propane" A JCAR Added the abbreviation "DBCP" in brackets

611.Appendix "polychlorinated biphenyls" A JCAR Changed to lower-cased "discharge"

611.Appendix A "benzene" JCAR Changed to lower-cased "leaching"

611.Appendix A "bromate" JCAR Changed "by-product" to "byproduct"

611.Appendix A "chlorite" JCAR Changed "by-product" to "byproduct"

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|  |   |             |                |  |
|--|---|-------------|----------------|--|
| 611.Appendix A<br>dioxide"               | A | "chlorine   | JCAR           | Corrected the spelling of "chlorine dioxide"   |
| 611.Appendix A<br>acids"                 | A | "haloacetic | JCAR,<br>Board | Changed the parenthetical abbreviation "HAA" to the defined abbreviation "HAA5"; changed "by-product" to "byproduct"   |
| 611.Appendix A<br>"TTHMs"                | A | "TTHMs"     | JCAR           | Changed "by-product" to "byproduct"  |
| 611.Appendix<br>abbreviations<br>"pCi/L" | A | listing,    | JCAR           | Changed "pCi/l" to the defined abbreviation "pCi/L"  |
| 611.Appendix<br>abbreviations<br>"ppm"   | A | listing,    | JCAR           | Changed "mg/l" to the defined abbreviation "mg/L"  |
| 611.Appendix<br>abbreviations<br>"ppb"   | A | listing,    | JCAR           | Changed "g/l" to the defined abbreviation and corrected it to "g/L"  |
| 611.Appendix E (2)                       |   |             | JCAR,<br>Board | Changed commas to semicolons to separate the elements of a series that contains a sub-series (six times); separated the elements of the sub-series with commas (twice) |
| 611.Appendix E (4)(B)(ii)                |   |             | JCAR,<br>Board | Removed an unnecessary comma from after "with"   |
| 611.Appendix E (4)(B)(iv)                |   |             | JCAR           | Replaced the bracketed text "insert . . . your State" with "the Illinois Environmental Protection Agency"  |
| 611.Appendix E (4)(B)(v)                 |   |             | JCAR           | Changed "within three business days of . . ." to "within three business days after . . ."; corrected the spelling of "home's"  |

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|                            |                |   |
|----------------------------|----------------|---|
| 611.Appendix E (4)(D)(iii) | JCAR           | Replaced the bracketed text "insert . . . Public Health" with "the Illinois Department of Public Health"; replaced the bracketed text "insert phone number" with "217-782-4977 or 312-814-2608" |
| 611.Appendix E (4)(E)      | JCAR           | Moved the closing period inside the bracket   |
| 611.Appendix E (4)(B)(iv)  | JCAR           | Replaced the bracketed text "insert . . . Public Health" with "the Illinois Department of Public Health"; replaced the bracketed text "insert phone number" with "217-782-4977 or 312-814-2608" |
| 611.Appendix F (1)         | JCAR,<br>USEPA | Corrected "this facility" to "this facility"  |
| 611.Appendix F (2)         | JCAR,<br>Board | Changed commas to semicolons to separate the elements of a series that contains a sub-series (six times); separated the elements of the sub-series with commas (twice)                          |
| 611.Appendix F (4)         | USEPA          | Removed "in the home" from the heading  |
| 611.Appendix F (4)(A)      | USEPA          | Removed "your home's"; changed "your home's" to "the"   |
| 611.Appendix F (4)(D)(ii)  | JCAR           | Replaced the bracketed text "insert . . . Public Health" with "the Illinois Department of Public Health"; replaced the bracketed text "insert   |

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

611.Appendix G JCAR, SOS Added "NPDWR" to the phone number" with "217-782-4977 or 312-814-2608" Section heading to agree with the federal text and the table of contents

611.Appendix G (I)(A)(5) JCAR Corrected the reference to "611.231(b)" to correspond with "141.71(a)(2)" in the corresponding federal text

611.Appendix G (I)(D)(2) Board Changed the generic name to lower-cased "silvex"

611.Appendix G (I)(D)(11) Board Added the abbreviation "DBCP" in parentheses

611.Appendix G (I)(G)(10) JCAR Corrected "bench marking" to "benchmarking"

611.Appendix G (III)(A) JCAR Removed an unnecessary comma after "1416" in column three

611.Appendix G note 6 JCAR Corrected "treatment technique a violation" to "a treatment technique violation"

611.Appendix G note 7 JCAR Corrected "ground water" to "groundwater"

611.Appendix G note 9 JCAR Changed "and using" to "that uses"; corrected the reference to "Subpart B"; corrected "ground water" to "groundwater"

611.Appendix G note 15 JCAR Corrected "from of relief" to "form of relief"

611.Appendix H 10 JCAR, Board Corrected "10 m" to "10 um"; removed the period at the end of the first-column

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

611.Appendix H 26 Board entry; added missing federal text "some people . . . containing"

611.Appendix H 35 "dibromo- Board Moved the misplaced parenthetical abbreviation "DBCP" from the fourth to the first column

611.Appendix H 37 "dioxin" JCAR Removed the period at the end of the first-column entry

611.Appendix H 71 "1,1,1-trichloropropane" JCAR Removed the period at the end of the first-column entry

611.Appendix H 72 JCAR Removed the period at the end of the first-column entry

611.Appendix H H JCAR Changed "EPA" to "USEPA"; changed "HAAs" to the defined definition "HAAs"

611.Appendix H 80 JCAR Changed the parenthetical abbreviation "HAA" to the defined abbreviation "HAAs"

611.Appendix H 85a JCAR Corrected "in nervous system excess . . . effects" to "in excess . . . nervous system effects"

611.Appendix H 85b JCAR Changed "EPA" to "USEPA"

611.Appendix H note 4 JCAR Corrected "a supplier that . . . have" to singular "a supplier that . . . has"

611.Appendix H note 8 JCAR Corrected "ground water" to "groundwater"



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|   |             |  |
|---|-------------|--|
| 611.Appendix H note 14                                | JCAR        | Corrected "millirems per years" to "millirems per year"  |
| 611.Appendix H note 16                                | JCAR        | Corrected "ground water" to "groundwater" (twice); hyphenated "non-community"  |
| 611.Appendix H note 17                                | JCAR        | Corrected "mg/l" to the defined abbreviation "mg/L" (twice)  |
| 611.Appendix I "OGWDW"                                | JCAR, Board | Added "USEPA"  |
| 611.Appendix I "OW"                                   | JCAR, Board | Added "USEPA"  |
| 611.Appendix I "USEPA"                                | JCAR, Board | Changed "EPA" to "USEPA"; added "United States"; moved the revised entry into the correct alphabetical order   |
| 611.Table G heading Board,                            | JCAR        | Changed "Monitoring Section 611.357 Requirements" to "Section 611.357 Monitoring Requirements"; removed the footnote heading "1"; added "see end note 1 below" following the heading |
| 611.Table G "initial monitoring"                      | JCAR        | Changed "(3)" to superscripted end note number "3"   |
| 611.Table G "after installation of corrosion control" | JCAR        | Corrected the spelling of "residual"   |
| 611.Table G note 2                                    | JCAR, Board | Changed "small and medium-size" to "small- and medium-sized"   |
| 611.Table G note 6                                    | JCAR        | Changed the comma following the note number to a period  |

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|  |  |  |
|--|--|--|
| 611.Table G note 7   | JCAR   | Changed "they have" to singular "it has"   |
| 611.Table G note 8   | JCAR, Board  | Changed "they have" to singular "it has" (twice)   |
| 12)  | <u>Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreements issued by JCAR? Section 17.5 of the Environmental Protection Act [415 ILCS 5/17.5] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by JCAR.</u> |  |
| <p>Since the Notices of Proposed Amendments appeared in the October 27, 2000 issue of the <i>Illinois Register</i>, the Board received a number of suggestions for revisions from JCAR. The Board evaluated each suggestion and incorporated a number of changes into the text as a result, as indicated in item 11 above. The table below indicates JCAR suggestions not incorporated into the text, with a brief explanation for each. See the January 4, 2001 opinion and order in docket R01-7 for additional details on the JCAR suggestions and the Board actions with regard to each.</p> |  |  |
| Requested Revisions to the Text of the Proposed Amendments Not Made in Final Adoption  |  |  |
| Section Affected   | Source(s) of Request: Requested Revision(s)  | Explanation  |
| 611.355(a)(1)  | JCAR: Update the edition of the <i>Code of Federal Regulations</i> cited to a more recent edition  | The provision in which citation occurs allows use of alternate notification materials to meet the prior (19 requirements cited   |
| 611.355(c)(2)(C)(vi)   | JCAR: Remove the ending conjunction "and"  | The conjunction sets the final element of series within a series deletion of conjunction could lead confusion, especially given the conjunction at the of the next subsection that offsets the final element of the overlying series |

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- 611.356(d)(4)(F)(iii) USEPA: Change "or" to As described in discussion of gen- revisions on page 6 of opinion, "or" routi- substitutes for "and" and denotes one or alternatives
- 611.648(d)(1) JCAR: Remove the comma from after "period"
- 611.881(d) JCAR: Add a comma in the series after the conjunction "and" for enhanced clarity
- 611.902 Board note JCAR: Change the indent level of the note to correspond with the text of subsection (c)
- 611.908(c) JCAR: Correct the phone number for the NSF help line
- 611.Appendix A "2,4,5-tp" JCAR: Capitalize "silvex" is generic name proper rendered in lower-case typeface, not a proper r for which capitalization necessary
- 611.Appendix A "acrylamide" JCAR: Add the MCL units after the contaminant name, as listed for other contaminants
- 611.Appendix E USEPA: Remove the references to "home" and "homes" in the mandatory notice language for community water supplies
- As described in discussion of gen- revisions on page 6 of opinion, "or" routi- substitutes for "and" and denotes one or alternatives
- The prepositional phr. "beginning in the compliance period," clearer is taken as parenthetical offset comma
- A comma after the f: conjunction is unneces: for enhanced clarity
- The note corresponds to entire Section, so it indented as required under 1 Ill. Adm. Code 100.39
- The number is correct accesses the NSF const help line
- The word "silvex" is generic name proper rendered in lower-case typeface, not a proper r for which capitalization necessary
- The standard for acrylamide is given as a treatment technique, for which there is no units, instead of an MCL
- Although USEPA removed references to "home" and "homes" in the mandatory notice language for community water supplies
- language for non- community water supplies of 40 141.85(a)(2), it left

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- 611.Appendix G note 15 JCAR: Capitalize "federal" in "federal Safe Drinking Water Act," "federal requirements," and "federal law"
- 611.Appendix G note 15 JCAR: Add a comma after "40 CFR 142.307"
- 13) Will these amendments replace emergency amendments currently in effect? No
- 14) Are there any other amendments pending on this Part? No
- 15) Summary and purpose of amendments: A more detailed description is contained in the Board's opinion and order of January 4, 2001 in R01-7, which opinion and order is available from the address below. Section 17.5 of the Environmental Protection Act [415 ILCS 5/17.5] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by JCAR.
- The R01-7 proceeding updates the Board's SDWA drinking water regulations to correspond with amendments adopted by USEPA that appeared in the Federal Register during the period January 1, 2000, through June 30, 2000. The following table briefly summarizes the federal actions in the update period:
- 65 Fed. Reg. 1950 (January 12, 2000) USEPA made a number of minor amendments to the lead and copper rule in order to facilitate implementation of the rule.
- 65 Fed. Reg. 11372 (March 2, 2000) USEPA amended its September 17, 1999 (64 Fed. Reg. 50556) unregulated contaminants monitoring rule.
- existing language community water supplies newly designated 40 141.85(a)(1) unchanged
- The word is an adjective and not part of a title proper name in each context
- The comma before "40 142.307" offsets introductory prepositional phrase, and "40 142.307" is not parenthetical clause

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

65 Fed. Reg. 20304  
(April 14, 2000)

USEPA adopted amendments to the December 16, 1998 interim enhanced surface water treatment rule (64 Fed. Reg. 69478) and the Stage 1 disinfectants and disinfectant byproducts rule (64 Fed. Reg. 69390).

65 Fed. Reg. 25982  
(May 4, 2000)

USEPA adopted amendments to the public notification rules, which prescribe the form, manner, content, and frequency of public notice under the drinking water rules. The amendments implement the community-right-to-know provisions of the SDWA Amendments of 1996.

65 Fed. Reg. 34404  
(May 30, 2000)

USEPA removed the maximum contaminant level goal (MCLG) of zero for chloroform in drinking water. This was in response to the vacatur in Chlorine Chemistry Council and Chemical Manufacturers Association v. EPA, slip op., No. 98-1627 (D.D.C. March 31, 2000).

65 Fed. Reg. 37052  
(June 13, 2000)

USEPA withdrew its April 14, 2000 direct final rule relating to the interim enhanced surface water treatment rule and the Stage 1 disinfectants and disinfectant byproducts rule in response to adverse public comments.

65 Fed. Reg. 38629  
(June 21, 2000)

USEPA corrected its May 4, 2000 public notification rule.

65 Fed. Reg. 40520  
(June 30, 2000)

USEPA corrected its May 4, 2000 public notification rule.

Among the various federal SDWA amendments examined by the Board and listed above, there are some on which no Board action will be necessary in the present update docket R01-7. The reasons why no Board action will be necessary vary from one federal action to another. The Board lists these four federal actions among those considered in this docket for the benefit of the regulated community, but we do not further discuss them in this opinion.

1. No Board action will be necessary on the federal action of March 2, 2000 (65 Fed. Reg. 11372). The federal action amended the September 17, 1999 (64 Fed. Reg. 50556) unregulated contaminants monitoring rule. In the prior update docket SDWA Update, USEPA Amendments (July 1, 1999, through December 31, 1999) (July 22, 2000), R00-12, the Board determined that it was not necessary to incorporate the unregulated contaminants monitoring rule into the

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

Illinois drinking water regulations.

2. Similarly, no Board action will be necessary on the federal action of April 14, 2000 (65 Fed. Reg. 20304). These amendments to the December 16, 1998 interim enhanced surface water treatment rule (64 Fed. Reg. 69478) and the Stage 1 disinfectants and disinfectant byproducts rule (64 Fed. Reg. 69390) were a direct final rule. On June 13, 2000 (65 Fed. Reg. 37052; see below), USEPA withdrew these amendments in response to adverse public comments.

3. No action will be necessary as to the federal cleanup amendments of May 30, 2000 (65 Fed. Reg. 34404). The USEPA removal of the MCLG for chloroform in response to the decision in Chlorine Chemistry Council and Chemical Manufacturers Association v. EPA, slip op., No. 98-1627 (D.D.C. March 31, 2000), did not affect any rule with a counterpart in the Illinois regulations. The MCLGs are outside the Board's SDWA identical-in-substance mandate, so no Board actions will be needed to incorporate these amendments into the Illinois rules.

4. The federal action of June 13, 2000 (65 Fed. Reg. 37052), was the withdrawal of the amendments of April 14, 2000 (65 Fed. Reg. 20304; see above) to the interim enhanced surface water treatment rule and the Stage 1 disinfectants and disinfectant byproducts rule.

Thus, the Board is acting in this R01-7 docket on the following USEPA amendments:

Amendments to the lead and copper rule.

65 Fed. Reg. 1950  
(January 12, 2000)

Amendments to the public notification rules.

65 Fed. Reg. 25982  
(May 4, 2000)

Corrections to the public notification rule.

65 Fed. Reg. 38629  
(June 21, 2000)

Corrections to the public notification rule.

65 Fed. Reg. 40520  
(June 30, 2000)

The R01-7 docket amends rules in Part 611. The amendments to Part 611 implement this four sets of federal amendments.

The tables below list numerous corrections and amendments that are not based on current federal amendments. The first table includes deviations made in these amendments from the verbatim

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

text of the federal amendments. The second table contains corrections and clarifications that the Board made in the base text involved in these amendments. These tables are reproduced from the tables that appear in the Board's opinion of January 4, 2001, in docket R01-7. Some of the entries in these tables are discussed further in appropriate segments of the general discussion in that opinion.

Table 1:  
Deviations from the Text of the Federal Amendments

| Illinois Section                                  | 40 C.F.R. Section     | Revision(s)  |
|---|-----------------------|--|
| 611 Table of Contents, heading of Section 611.908 | 141 Table of Contents | Changed "SCML for fluoride" to "fluoride secondary standard"                             |
| 611 Table of Contents, heading of Section 611.909 | 141 Table of Contents | Deleted abbreviation "NCWS"  |
| 611 Table of Contents, heading of Section 611.910 | 141 Table of Contents | Changed "primacy agency" to "Agency"; changed to indefinite article "a"                  |
| 611 Table of Contents, heading of Appendix F      | 141.85(a)(2)          | Added a separate appendix for text moved from a federal section into a separate appendix |
| 611.126(b)(3)                                     | 141.43(d)(3)          | Added "that are" for enhanced clarity  |
| 611.300(d)(3)                                     | 141.11(d)(2)          | Changed to the defined abbreviation "NCWS"; changed "system" to "supplier"               |

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|                                |                   |   |
|--------------------------------|-------------------|---|
| 611.351(b)                     | 141.81(b)         | Changed "shall" to "must"; changed "State" to "Agency"; changed "determines" to "determines are"  |
| 611.351(b)(2)                  | 141.81(a)(2)      | Changed to singular "a water supplier"; changed "system" to "supplier"; added "that is"; changed "shall" to "must" (twice); changed "continue" to "must continue" for enhanced clarity; |
| 611.351(b)(3)(A)               | 141.81(b)(3)(i)   | Used lower-case "method detection limit"; parenthetically added the standardized abbreviation "MDL"; used the standardized abbreviation "PQL"; changed "6-month" to "six-month"         |
| 611.351(b)(3)(B)               | 141.81(b)(3)(ii)  | Changed "shall" to "must" (twice)   |
| 611.351(b)(3)(B)<br>Board note | 141.81(b)(3)(ii)  | Added explanation of the past date in the text and its retention  |
| 611.351(b)(3)(C)               | 141.81(b)(3)(iii) | Changed "shall" to "must"; changed "State" to "Agency" (twice); changed "State may" to "Agency must"; changed "the State  |



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

deems appropriate" to "if the Agency determines that the additional monitoring is necessary and appropriate"; changed "systems to maintain" to singular "the system maintains"; changed "the" to "its"

611.351(b)(3)(D)

141.81(b)(3)(iv)

Changed "system" to "supplier"; changed "shall" to "must"; added a comma before "unless" to offset a parenthetical

611.351(b)(3)(E)

141.81(b)(3)(iv)

Changed "system" to "supplier" (twice); changed "shall" to "must" (twice); changed "large system" to "large system supplier"; changed "medium-size systems" to singular "a medium-sized system supplier"

611.352(g)

141.82(g)

Changed "shall" to "must" (twice); changed "State" to "Agency" (twice); changed "as follows" to "as provided in subsections . . ."; changed "States may" to "the Agency must . . . that it determines are"

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

611.352(g)(1)

141.82(g)(1)

Changed "shall" to "must"; changed "they" to "the samples"

611.352(g)(1) Board note

141.82(g)(1)

Placed language relating to federal approval of an alternative formula in an explanatory Board note; changed "EPA" to "USEPA"; changed "shall" to "must"

611.352(g)(2)

141.82(g)(2)

Changed "shall" to "must"

611.352(g)(3)

141.82(g)(3)

Changed "shall" to "must"

611.354(b)(3)

141.84(b)

Changed "portion(s)" to "portions"; added "of the system" for enhanced clarity; changed "system" to "supplier"

611.354(d)

141.84(d)

Changed "system" to "supplier" (six times); changed "shall" to "must" (three times); changed the ending punctuation to a colon

611.354(d)(1)

141.84(d)(1)

Added "notice prior to . . . work" to allow subdivision into subsections

611.354(d)(1)(A)

141.84(d)(1)

Changed "commencing with" to "commencing"; changed "system" to "supplier"; changed

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

"shall" to "must";  
changed  
"resident(s)" to  
"residents"

611.354(d)(1)(B) 141.84(d)(1)

Changed "State" to  
"Agency"; added the  
parenthetical "by  
issuing . . . SEP";  
changed "system" to  
"supplier"; added  
"it determines  
that"

611.354(d)(1)(C) 141.84(d)(1)

Changed "system" to  
"supplier" (three  
times); changed  
"shall" to "must"  
(twice); changed  
"resident(s)" to  
"residents"  
(twice); changed  
"system's" to  
"supplier's";  
changed "prescribed  
under" to  
"prescribed by"

611.354(d)(1)(D) 141.84(d)(1)

Changed "shall" to  
"must"

611.354(d)(2) 141.84(d)(2)

Changed "system" to  
"supplier" (twice);  
changed "shall" to  
"must" (twice);  
changed "State" to  
"Agency"; added "by  
a SEP . . .";  
changed "line" to  
"service line"

611.354(e)(2) 141.84(e)(2)

Corrected the  
cross-reference to  
"subsection (e)(1)"

611.355(a)(1) 141.85(a)(1)

Changed "suppliers"  
to singular "a  
supplier" (twice);

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

changed "State" to  
"Agency" (twice);  
added "by a SEP .  
. 611.110" (twice);  
added "Appendix E"  
to accommodate  
rendering of 40  
C.F.R. 141.85(a)(1)  
as 35 Ill. Adm.  
Code 611.Appendix  
E"; deleted  
extended volume  
information to use  
the standard  
citation format to  
40 C.F.R. 141.85,  
adding the date

611.355(a)(1) Board 141.85(a)(1)  
note

Added the note  
explaining the  
retention of the  
Code of Federal  
Regulations  
citation

611.355(a)(2) 141.85(a)(2)

Changed "shall" to  
"must" (three  
times); changed  
"following text" to  
"text set forth .  
. " to accommodate  
rendering of 40  
C.F.R. 141.85(a)(1)  
as 35 Ill. Adm.  
Code 611.Appendix  
F; changed "lay  
people" to "lay  
persons"

611.355(c)(2) 141.85(c)(2)

Removed unnecessary  
commas after  
"611.356" and  
"(c)(8)"; changed  
"that" to "which"  
for a subsequent  
restrictive clause;

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

611.355(c)(2)(A)

141.85(c)(2)(i)

Used the defined abbreviation "CWS"; added "supplier"; removed unnecessary comma after "level"; added "a CWS supplier"; removed an unnecessary comma after "system"; added a comma after "Section" to offset a parenthetical; changed "water systems" to singular "a water supplier" changed "shall" to "must"

611.355(c)(4)(B)

141.85(c)(4)(ii)

Changed "State" to "Agency", added "by a SEP . . ." 611.110" offset by commas

611.355(c)(7)

141.85(c)(7)

Changed to defined abbreviation "CWS"; added "supplier"; changed "State" to "Agency"; deleted unnecessary words "in writing . . . approval"; changed "paragraph (a)(2)" to "Appendix F of this Part"; changed "paragraph (a)(1)" to "Appendix E of this Part"

611.355(c)(7)(A)

141.85(c)(7)(i)

Changed "system" to "supplier"

611.355(c)(7)(B)

141.85(c)(7)(ii)

Added a comma to offset an independent clause; added "it" to

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

611.355(c)(8)

141.85(c)(8)

create an independent clause for enhanced clarity

Added introductory language to justify the subsection

611.355(c)(8)(A)

141.85(c)(8)(i)

Changed to the defined abbreviation "CWS"; added "supplier"; changed "paragraph (a)(1)" to "Appendix E of this Part"; changed to singular "a supplier"; changed "system" to "supplier"; changed "their" to "its"

611.355(c)(8)(A)(i)

141.85(c)(8)(i)(A)

Changed "systems" to singular "a supplier"; changed "system" to "supplier"; changed "State" to "Agency"

611.355(c)(8)(A)(ii)

141.85(c)(8)(i)(B)

Changed "State" to "Agency"; added "by a SEP . . ." 611.110"; changed "and/or" to "or"

611.355(c)(8)(B)

141.85(c)(8)(ii)

Changed to the defined abbreviation "CWS"; added "supplier"; changed "shall" to "must"; changed "system" to "supplier"

611.356(b)(2)(C)

141.86(b)(2)

Changed "shall" to "must"

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|                      |              |  |
|----------------------|--------------|--|
| 611.356(b)(2)(D)     | 141.86(b)(2) | Subdivided the subsection; changed "shall" to "must" (twice)   |
| 611.356(b)(2)(E)(ii) | 141.86(b)(2) | Changed "EPA" to "USEPA"   |
| 611.356(b)(5)        | 141.86(b)(5) | Subdivided the subsection; added introductory language to justify the subsection   |
| 611.356(b)(5)(A)     | 141.86(b)(5) | Subdivided the subsection; changed to defined abbreviation "NTNCS"; added "supplier" (twice); changed to defined abbreviation "CWS"; changed "State" to "Agency"; added "by a SEP . . . 611.110" |
| 611.356(b)(5)(B)     | 141.86(b)(5) | Subdivided the subsection; changed "such systems" to "a supplier approved . . . samples"   |
| 611.356(b)(5)(C)     | 141.86(b)(5) | Subdivided the subsection; changed "the State has discretion to waive" to "the Agency may grant a SEP that waives"; changed "State" to "Agency"  |
| 611.356(c)(2)        | 141.86(c)(2) | Changed "shall" to "must"; changed "States" to "the Agency"; added "by   |

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|                      |                     |  |
|----------------------|---------------------|--|
| 611.356(d)(4)(B)(i)  | 141.86(d)(4)(ii)    | a SEP . . . offset by commas<br>Changed "State" to "Agency"; added "in the form of a SEP . . . 611.110"  |
| 611.356(d)(4)(B)(ii) | 141.86(d)(4)(iii)   | Changed "State shall" to "Agency must"; changed "shall" to "must"; added "by a SEP . . . 611.110"; changed "eligible to commence monitoring" to "reduce its monitoring frequency to once every three years"                  |
| 611.356(d)(4)(C)(ii) | 141.86(d)(4)(iii)   | Changed "State" to "Agency"; added "in the form of a SEP . . . 611.110"  |
| 611.356(d)(4)(D)(i)  | 141.86(d)(4)(iv)(A) | Changed "State may, at its discretion approve" to "Agency may grant . . . that approves"; changed "shall" to "must"; used the defined abbreviation "NTNCS"; added "supplier"; changed "the State shall" to "the Agency must" |
| 611.356(d)(4)(D)(ii) | 141.86(d)(4)(iv)(B) | Changed "systems" to singular "a supplier" (twice); removed unnecessary commas after   |



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

"annually" and  
 "Section"; changed  
 "that" to "which"  
 for a subsequent  
 restrictive  
 relative clause  
 (three  
 times);  
 changed to singular  
 "receives" (three  
 times); changed  
 "State" to "Agency"  
 (three times);  
 changed "their" to  
 "its" (five times);  
 changed  
 "triennially" to  
 "once every three  
 years" (twice);  
 changed to singular  
 "has"; removed  
 unnecessary comma  
 after "September";  
 changed "under" to  
 "as provided in";  
 deleted unnecessary  
 comma after  
 "Section"; changed  
 "small systems with  
 waivers . . . have"  
 to "a small system  
 supplier with a  
 waiver . . . has";  
 deleted unnecessary  
 comma after  
 "Section"; changed  
 "which" to "that"  
 for a subsequent  
 relative clause;  
 changed to singular  
 "receives"; changed  
 "9-year period" to  
 the defined  
 "nine-year  
 compliance cycle  
 (as . . . 611.101)"

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

611.356(d)(4)(E) 141.86(d)(4)(v)  
 Changed to written  
 "six"; changed  
 "which" to "that"

611.356(d)(4)(F)(i) 141.86(d)(4)(vi)(A)  
 Changed "system" to  
 "supplier"; split a  
 runon sentence "Any  
 such supplier may  
 resume annual  
 monitoring . . ."  
 and/or may resume  
 monitoring once  
 every three years  
 . . . into two  
 sentences "Any such  
 supplier may resume  
 annual monitoring .  
 . . . Any such  
 supplier resume  
 monitoring once  
 every three years .  
 . ."; changed  
 "triennial  
 monitoring" to  
 "monitoring every  
 three years"

611.356(d)(4)(F)(ii) 141.86(d)(4)(vi)(B)  
 Changed "shall" to  
 "must"

611.356(d)(4)(G) 141.86(d)(4)(vii)  
 Changed "system" to  
 "supplier"; changed  
 "shall" to "must";  
 changed "State" to  
 "Agency", added "by  
 a SEP . . ."  
 611.110"

611.356(d)(4)(H) 141.86(d)(4)(vi)(B)  
 Restructured  
 material  
 to  
 restrict  
 the  
 subsections to four  
 indent levels;  
 added introductory  
 statement

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|                       |                        |   |                  |                   |   |
|-----------------------|------------------------|---|------------------|-------------------|---|
| 611.356(d)(4)(H)(i)   | 141.86(d)(4)(vi)(B)(1) | Restructured;<br>changed "system" to<br>"supplier" (twice);<br>changed "State" to<br>"Agency"; added "by<br>a SEP . . . .<br>611.110"   | 611.356(f)(1)(A) | 141.86(f)(1)(i)   | Changed . . . ending<br>punctuation to a<br>semicolon   |
| 611.356(d)(4)(H)(ii)  | 141.86(d)(4)(vi)(B)(2) | Restructured;<br>changed "system" to<br>"supplier"; changed<br>"triennial<br>monitoring" to<br>"monitoring . . . .<br>once every three<br>years" (twice);<br>added "by a SEP . . .<br>611.110"; changed<br>"State" to "Agency"          | 611.356(f)(1)(B) | 141.86(f)(1)(ii)  | Deleted the<br>unnecessary words<br>"determines that";<br>changed ending<br>punctuation to a<br>semicolon   |
| 611.356(d)(4)(H)(iii) | 141.86(d)(4)(vi)(B)(3) | Restructured;<br>changed "system" to<br>"supplier"; changed<br>"triennial<br>monitoring" to<br>"monitoring . . . .<br>once every three<br>years" (twice)<br>Added<br>explanation of the<br>restructuring of<br>the federal<br>provision | 611.356(f)(1)(C) | 141.86(f)(1)(iii) | Changed ending<br>punctuation to a<br>semicolon, adding<br>the conjunction<br>"or"  |
| 611.356(d)(4)(H)      | 141.86(d)(4)(vi)(B)    | Changed "State" to<br>"Agency"; changed<br>"shall" to "must";<br>removed potentially<br>confusing "at<br>least" from before<br>"if "; added "it<br>determines that";<br>changed "is met" to<br>"exists"                                 | 611.356(f)(2)    | 141.86(f)(2)      | Changed "system" to<br>"supplier" (twice);<br>changed "State" to<br>"Agency"  |
| Board Note            |                        |   | 611.356(f)(3)    | 141.86(f)(3)      | Changed "States" to<br>"the Agency"   |
| 611.356(f)(1)         | 141.86(f)(1)           |   | 611.356(f)(4)    | 141.86(f)(4)      | Changed "system" to<br>"supplier" (twice);<br>changed "State" to<br>"Agency"; changed<br>"shall" to "must"<br>(twice)   |
|                       |                        |   | 611.356(g)       | 141.86(g)         | Changed "small<br>systems" to "small<br>system suppliers";<br>changed "small<br>system" to "small<br>system supplier"<br>(twice); changed<br>"State" to<br>"Agency"; deleted<br>"if . . . State<br>regulations permit"<br>from before "any" |
|                       |                        |   | 611.356(g)(1)    | 141.86(g)(1)      | Changed "system" to<br>"supplier"; changed<br>"and/or" to "or"  |

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|                                 |                    |  |
|---------------------------------|--------------------|--|
| 611.356(g)(1)(A)                | 141.86(g)(1)(i)    | Changed "system" to "supplier"; changed "State" to "Agency"  |
| 611.356(g)(1)(A)(ii)            | 141.86(g)(1)(i)(B) | Changed "any standard established . . ." to "NSF Standard 61 . . ."  |
| 611.356(g)(1)(A)(ii) Board note | 141.86(g)(1)(i)(B) | Added Board note to explain the substitution of the standard for the federal text, citing the Federal Register notice                              |
| 611.356(g)(1)(B)                | 141.86(g)(1)(ii)   | Changed "system" to "supplier"; changed "State" to "Agency"  |
| 611.356(g)(2)                   | 141.86(g)(2)       | Changed "system" to "supplier"; changed to written "six"; changed "State" to "Agency"; changed the ending punctuation of a colon                   |
| 611.356(g)(2)(A)                | 141.86(g)(2)(i)    | Changed "system" to "supplier"   |
| 611.356(g)(2)(B)                | 141.86(g)(2)(ii)   | Changed "system" to "supplier"   |
| 611.356(g)(3)                   | 141.86(g)(2)(ii)   | Changed "State" to "Agency" (three times); changed "shall" to "must"; changed "system" to "supplier" (three times); added "by a SEP . . . 611.110" |
| 611.356(g)(4)                   | 141.86(g)(4)       | Changed "systems" to "suppliers"   |

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|                  |                   |   |
|------------------|-------------------|---|
| 611.356(g)(4)(A) | 141.86(g)(4)(i)   | Changed "system" to "supplier"; changed "State" to "Agency"   |
| 611.356(g)(4)(B) | 141.86(g)(4)(ii)  | Changed "system" to "supplier" (twice)  |
| 611.356(g)(4)(C) | 141.86(g)(4)(iii) | Changed "system" to "supplier" (three times); changed "State" to "Agency" (twice); changed "system's" to "supplier's"; changed "and/or" to "or"; changed "round(s)" to "rounds" |
| 611.356(g)(4)(D) | 141.86(g)(4)(iv)  | Changed "system" to "supplier" (twice); changed "shall" to "must"; changed "State" to "Agency"  |
| 611.356(g)(5)    | 141.86(g)(5)      | Changed "system" to "supplier" (twice); corrected "any . . . occur" to singular "any . . . occurs"  |
| 611.356(g)(5)(A) | 141.86(g)(5)(i)   | Changed "system" to "supplier"  |
| 611.356(g)(5)(B) | 141.86(g)(5)(ii)  | Changed "system" to "supplier"  |
| 611.356(g)(5)(C) | 141.86(g)(5)(iii) | Changed "system" to "supplier"  |
| 611.356(g)(6)    | 141.86(g)(6)      | Changed "system" to "supplier"; changed "State" to "Agency"   |
| 611.356(g)(6)(A) | 141.86(g)(6)(i)   | Changed "system" to "supplier" (twice); changed "and/or" to   |

## POLLUTION CONTROL BOARD

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

## NOTICE OF ADOPTED AMENDMENTS

|                             |                  |   |   |                       |                     |   |
|-----------------------------|------------------|---|---|-----------------------|---------------------|---|
| 611.356(g)(6)(B)            | 141.86(g)(6)(ii) | "or"  | Changed "system" to "supplier" (twice)  | 611.357(e)(2)(B)      | 141.87(e)(2)(ii)    | "Agency"; changed "shall" to "must"   |
| 611.356(g)(7)               | 141.86(g)(7)     |   | Changed "system" to "supplier"; changed "State" to "Agency"; changed "shall" to "must"                        |                       |                     | Changed "system" to "supplier"; added "the following"; added the ending colon; subdivided the text into three subsections   |
| 611.356(g)(7) Board note    | 141.86(g)(7)     | Added explanation of retention of a past date   | Added an explanation of retention of a past date  | 611.357(e)(2)(B)(i)   | 141.87(e)(2)(ii)    | Added subsection number   |
| 611.356(g)(7)(A)            | 141.86(g)(7)(i)  | Changed "system" to "supplier" (three times); changed "shall" to "must"                                       | Changed "system" to "supplier" (three times); changed "shall" to "must"                                       | 611.357(e)(2)(B)(iii) | 141.87(e)(2)(ii)(C) | Added subsection number; changed "State" to "Agency"  |
| 611.356(g)(7)(B)            | 141.86(g)(7)(ii) | Changed "system" to "supplier" (three times); changed "shall" to "must" (three times)                         | Changed "system" to "supplier" (three times); changed "shall" to "must" (three times)                         | 611.357(e)(3)         | 141.87(e)(3)        | Changed "shall" to "must"   |
| 611.356(g)(7)(B) Board note | 141.86(g)(7)(ii) | Added explanation of retention of a past date   | Added an explanation of retention of a past date  | 611.357(e)(4)         | 141.87(e)(4)        | Changed "shall" to "must"; changed "and/or" to "or"; changed "triennial monitoring" to "monitoring once every three years"  |
| 611.357(c)(3)               | 141.87(c)(3)     | Changed "ground water" to "groundwater" (three times); changed "shall" to "must"; changed "State" to "Agency" | Changed "ground water" to "groundwater" (three times); changed "shall" to "must"; changed "State" to "Agency" | 611.358(a)(1)(A)      | 141.88(a)(1)(i)     | Changed "groundwater systems" to "a groundwater supplier"; changed "shall" to "must" (twice); changed "which" to "that" for a restrictive relative clause; changed "system" to "supplier" |
| 611.357(d)(2)               | 141.87(d)        | Changed "shall" to "must"   | Changed "shall" to "must"   |                       |                     |   |
| 611.357(d)(3)               | 141.87(d)        | Placed this provision as a separate subsection; changed "State" to  | Placed this provision as a separate subsection; changed "State" to  | 611.358(a)(1)(B)      | 141.88(a)(1)(ii)    | Changed "surface water systems" to "a surface water"  |



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

611.358(a)(1)(C) 141.88(a)(1)(iii) supplier"; changed "shall" to "must" (twice); changed "which" to "that" for a restrictive relative clause; changed "system" to "supplier"

611.358(a)(1)(D) 141.88(a)(1)(iv) Changed "system" to "supplier" (twice)

611.358(a)(1)(D) 141.88(a)(1)(iv) Changed "State" to "Agency"; added parenthetical offset by commas "by a SEP . . . 611.110"; changed "then either" to "then the supplier . . . following"

611.358(a)(1)(D)(i) 141.88(a)(1)(iv)(A) Changed to active voice "the supplier must . . . sample"

611.358(a)(1)(D)(ii) 141.88(a)(1)(iv)(B) Changed "system" to "supplier"

611.358(e)(1) 141.88(e)(1) Changed "system" to "supplier"

611.358(e)(1)(A) 141.88(e)(1)(i) Changed "system" to "supplier"

611.358(e)(1)(B) 141.88(e)(1)(ii) Changed "State" to "Agency"; added parenthetical offset by commas "by a SEP . . . 611.110"

611.358(e)(2) 141.88(e)(2) Changed "system" to "supplier"

611.358(e)(2)(A) 141.88(e)(2)(i) Changed "system" to "supplier"; changed "State" to

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

611.358(e)(2)(B) 141.88(e)(2)(ii) "Agency"; changed "in" to "under"

611.358(e)(2)(B) 141.88(e)(2)(ii) Changed "State" to "Agency"; added parenthetical offset by commas "by a SEP . . . 611.110"; changed "system" to "supplier"

611.359(a)(2)(C) 141.89(a)(2)(iii) added parenthetical offset by commas "as defined . . . 611.350(a)"

611.360(a)(1)(B) 141.90(a)(1)(ii) Changed "system" to "supplier"

611.360(a)(1)(D) 141.90(a)(1)(iv) Changed "State" to "Agency"

611.360(a)(1)(H) 141.90(a)(1)(viii) Changed "system" to "supplier"; changed "shall" to "must"; added a comma before "unless" to offset a parenthetical; changed "State" to "Agency"; added parenthetical offset by commas "by a SEP . . . 611.110"

611.360(a)(2) 141.90(a)(2) Changed to defined abbreviations "NTNCS supplier" and "CWS supplier"; changed "that" to "which" for a subsequent restrictive relative clause; changed "system" to "supplier"; changed

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|                                |                  |   |   |
|--------------------------------|------------------|---|---|
| 611.360(a)(2)(A)               | 141.90(a)(2)(i)  | "must either" to<br>"must do either of<br>the following"  | Changed "State" to<br>"Agency" (three<br>times); changed<br>"identifying" to<br>"that identifies";<br>changed "system" to<br>"supplier" |
| 611.360(a)(2)(A)<br>Board note | 141.90(a)(2)(i)  | Added an<br>explanation of<br>retention of a past<br>date   |   |
| 611.360(a)(2)(B)               | 141.90(a)(2)(ii) | Changed "State" to<br>"Agency"; changed<br>"system" to<br>"supplier"  |   |
| 611.360(a)(3)                  | 141.90(a)(3)     | Changed "State" to<br>"Agency" (four<br>times); changed<br>"system" to<br>"supplier" (three<br>times); changed<br>"shall" to "must";<br>changed "water<br>systems are<br>encouraged" to<br>"USEPA has stated<br>that it encourages" |   |
| 611.360(a)(4)                  | 141.90(a)(4)     | Changed "system" to<br>"supplier"; changed<br>"shall" to "must";<br>changed "State" to<br>"Agency"  |   |
| 611.360(a)(4)(A)               | 141.90(a)(4)(i)  | Changed "system" to<br>"supplier"; changed<br>"shall" to "must"   |   |
| 611.360(a)(4)(B)               | 141.90(a)(4)(ii) | Changed "system" to<br>"supplier"; changed<br>"shall" to "must"   |   |

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|                                |                   |   |
|--------------------------------|-------------------|---|
| 611.360(a)(4)(C)               | 141.90(a)(4)(iii) | Changed "and/or" to<br>"or" (twice);<br>changed "system" to<br>"supplier" (twice);<br>changed "shall" to<br>"must"; changed<br>"State" to "Agency"  |
| 611.360(a)(4)(D)               | 141.90(a)(4)(iv)  | Changed "system" to<br>"supplier"; changed<br>"shall" to "must"   |
| 611.360(a)(4)(D)<br>Board note | 141.90(a)(4)(iv)  | Added an<br>explanation of<br>retention of a past<br>date   |
| 611.360(a)(5)                  | 141.90(a)(5)      | Changed to the<br>defined<br>abbreviation "GWS";<br>added "supplier";<br>changed "shall" to<br>"must"; changed<br>"State" to "Agency"   |
| 611.360(e)(4)                  | 141.90(e)(4)      | Changed "system" to<br>"supplier" (twice);<br>changed "which" to<br>"that" for a<br>restrictive<br>relative clause;<br>changed "shall" to<br>"must"; changed<br>"State" to "Agency"<br>(four times);<br>changed "States" to<br>"the Agency"; added<br>as a parenthetical<br>offset by commas<br>"by a SEP . . .<br>611.110"; changed<br>"systems shall" to<br>"a supplier must" |
| 611.360(f)(1)                  | 141.90(f)(1)      | Changed "system" to<br>"supplier" (twice);<br>changed "shall" to<br>"must"; changed   |

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

611.360(f)(1)(A) "State" to "Agency"  
 Changed "system" to "supplier"

611.360(f)(1)(B) 141.90(f)(1)(i)  
 Changed "system" to "supplier" (twice)

611.360(f)(2) 141.90(f)(1)(ii)  
 Changed "State" to "Agency", added as a parenthetical offset by commas "by a SEP . . ."  
 611.110; changed "system" to "supplier" (twice)

611.360(h) 141.90(h)  
 Changed "State" to "Agency", changed "system" to "supplier"

611.360(h)(1) 141.90(h)(1)  
 Changed "State" to "Agency", changed "system" to "supplier" (twice)

611.360(h)(2) 141.90(h)(2)  
 Changed "system" to "supplier", changed "State" to "Agency"

611.360(h)(2)(A) 141.90(h)(2)(i)  
 Changed "and/or" to "or"

611.360(h)(3) 141.90(h)(3)  
 Changed "State" to "Agency", changed "system" to "supplier"

611.745(c) 141.175(c)  
 Added text to the subsection to allow it to stand alone and to maintain structural consistency with the federal rules

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

611.745(c)(1) 141.175(c)(1)  
 Changed "system" to "supplier"; changed "primacy agency" to "Agency"

611.745(c)(2) 141.175(c)(2)  
 Corrected "the turbidity . . . exceed" to singular "the turbidity . . . exceeds"; changed "primacy agency" to "Agency" (twice); changed "system" to "supplier"

611.883(d)(1)(A) 141.153(d)(1)(i)  
 Changed to the defined abbreviation "MRDL"

611.901 preamble 141.201  
 Replaced the recitation of various effective dates with a statement that the new standards replace former standards

611.901(a) 141.201(a)  
 Changed the opening words from a question to a statement; changed to the defined abbreviations "NTNCWS," "transient non-CWS," "CWS," "MCL," and "MRDL"; changed all to the singular, adding indefinite articles "a" and "an"; changed "and" to "or" in listing of violations; changed to singular "procedure"

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|                  |                            |  |
|------------------|----------------------------|--|
| 611.901(a)(1)    | 141.201(a) table 1(1)      | Presented the federally-tabulated information in standard subsection format                                    |
| 611.901(a)(1)(A) | 141.201(a) table 1(1)(i)   | Added the indefinite article "a"; used the defined abbreviations "MCL" and "MRDL"                              |
| 611.901(a)(1)(B) | 141.201(a) table 1(1)(ii)  | Added the indefinite article "a"; used the term "treatment technique" without the abbreviation                 |
| 611.901(a)(1)(C) | 141.201(a) table 1(1)(iii) | Added the indefinite article "a"; changed "drinking water regulations" to "this Part"                          |
| 611.901(a)(1)(D) | 141.201(a) table 1(1)(iv)  | Added the indefinite article "a"; changed "drinking water regulations" to "this Part"                          |
| 611.901(a)(2)    | 141.201(a) table 1(2)      | Presented the federally-tabulated information in standard subsection format; added "relief equivalent to"      |
| 611.901(a)(2)(A) | 141.201(a) table 1(2)(i)   | Changed "variance and exemptions" to "relief equivalent to a SDWA Section 1415 variance or a SDWA Section 1416 |

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|                  |                            |  |
|------------------|----------------------------|--|
| 611.901(a)(2)(B) | 141.201(a) table 1(2)(ii)  | Added the indefinite article "a"; changed "variance and exemptions" to "relief equivalent to a SDWA Section 1415 variance or a SDWA Section 1416 exemption"; added parenthetical references to Sections 611.111 and 611.112 offset by commas |
| 611.901(a)(3)    | 141.201(a) table 1(3)      | Presented the federally-tabulated information in standard subsection format  |
| 611.901(a)(3)(A) | 141.201(a) table 1(3)(i)   | Added the definite article "the"   |
| 611.901(a)(3)(B) | 141.201(a) table 1(3)(ii)  | Added the indefinite article "an"; changed to the singular defined abbreviation "a non-CWS"; changed "primacy agency" to "Agency"; added "Section"   |
| 611.901(a)(3)(C) | 141.201(a) table 1(3)(iii) | Added the indefinite article "an"; changed maximum contaminant level   |



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|                  |                           |   |
|------------------|---------------------------|---|
| 611.901(a)(3)(D) | 141.201(a) table 1(3)(iv) | (SMCL) for<br>fluoride" to<br>"secondary fluoride<br>standard of Section<br>611.858"  |
| 611.901(a)(3)(E) | 141.201(a) table 1(3)(v)  | Added the definite<br>article "the"   |
|                  |                           | Changed "primacy<br>agency" to<br>"Agency"; added "by<br>a SEP . . .<br>611.110"  |
| 611.901(b)       | 141.201(b)                | Changed the opening<br>words from a<br>question to a<br>statement; added<br>the definite<br>article "the";<br>added "of this<br>Subpart V" for<br>enhanced clarity;<br>changed "table 1"<br>to "subsection (a)<br>of this Section";<br>changed "table 2"<br>to "this subsection<br>(b)" |
| 611.901(b)(1)    | 141.201(b) table 2(1)     | Changed the em dash<br>to a colon   |
| 611.901(b)(2)    | 141.201(b) table 2(2)     | Changed the em dash<br>to a colon   |
| 611.901(b)(3)    | 141.201(b) table 2(3)     | Changed the em dash<br>to a colon   |
| 611.901(c)       | 141.201(c)                | Changed the opening<br>from a question to<br>a statement  |
| 611.901(c)(1)    | 141.201(c)(1)             | Changed "public<br>water system" to<br>"PWS<br>supplier"<br>(twice); changed  |

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|  |                    |  |
|--|--------------------|--|
|  |                    | "system" to<br>"supplier" (twice);<br>changed to singular<br>"a PWS supplier .<br>. sells . . .<br>provides . . .<br>another PWS<br>supplier (i.e., to<br>a consecutive<br>system) is . . .";<br>changed<br>"consecutive<br>system" to<br>"consecutive system<br>supplier" |
|  | 611.901(c)(2)      | Changed "public<br>water system" to<br>"PWS<br>supplier";<br>changed "primacy<br>agency" to "Agency"<br>(twice); added "by<br>a SEP . . .<br>611.110"  |
|  | 141.201(c)(2)      | Changed "primacy<br>agency" to "Agency"  |
|  | 611.901(c)(3)      | Added citation of<br>the Federal Code of<br>Federal Regulations<br>source of this<br>provision,<br>including the<br>Federal Register<br>where it was added   |
|  | 141.201            |  |
|  | 611.901 Board note |  |
|  | 611.901(c)(3)      | Changed "which<br>violations or<br>situations require<br>"violations or<br>situations that<br>require<br>changed opening<br>language from a<br>question to a<br>statement; changed   |
|  | 141.201(c)(3)      |  |
|  | 611.901 Board note |  |
|  | 141.201(a)         |  |

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

611.902(a)(1) 141.202(a)(1) the table into standard subsection format

611.902(a)(2) 141.202(a)(2) Changed "system" to "supplier"

611.902(a)(3) 141.202(a)(3) Changed "system" to "supplier"; changed "system's" to "supplier's"; changed "within 24 hours of . . ." to "within 24 hours after . . ."; changed "the first sample" to "the results from the first sample"

611.902(a)(4) 141.202(a)(4) Changed "non-community water systems" to singular "a non-CWS supplier"; changed "primacy agency" to "Agency"

611.902(a)(5) 141.202(a)(5) Changed "system" to "supplier"

611.902(a)(6) 141.202(a)(6) Changed "primacy agency" to "Agency"; changed "system" to "supplier"

611.902(a)(7) 141.202(a)(7) Changed "system" to "supplier"

611.902(a)(8) 141.202(a)(8) Changed "primacy agency" to "Agency"; added "by a SEP . . ."

611.110

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

611.902(b) 141.202(b) Changed opening language from questions to statements; changed "public water systems" to singular "a PWS supplier"

611.902(b)(1) 141.202(b)(1) Changed "system" to "supplier"

611.902(b)(2) 141.202(b)(2) Changed "primacy agency" to "Agency"; changed "public water system" to "PWS supplier"

611.902(b)(3) 141.202(b)(3) Changed "primacy agency" to "Agency"

611.902(c) 141.202(c) Changed opening language from a question to a statement; changed "public water systems" to singular "a PWS supplier"; changed "public water system" to "PWS supplier"; changed "water systems are" to singular "a water supplier is"

611.902(c)(2) 141.202(c)(2) Changed "system" to "supplier"

611.902(c)(3) 141.202(c)(3) Changed "system" to "supplier"

611.902(c)(4) 141.202(c)(4) Changed "primacy agency" to "Agency"; added "by a SEP . . ."

611.110

## POLLUTION CONTROL BOARD

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

## NOTICE OF ADOPTED AMENDMENTS

611.902 Board note

141.202

Added citation of the Federal Code of Federal Regulations source of this provision, the Federal Register where it was added

611.903(b)(1)

141.203(b)(1)

Changed "public water systems" to singular "a PWS supplier"; changed "system" to "supplier" (twice); changed "primacy agency" to singular "Agency" (three times); added "by a SEP . . . 611.110"

611.903(a)

141.203(a)

Changed "which violations or situations require . . ." to "violations or situations that require . . ."; changed opening language from a question to a statement; changed the table into standard subsection format

611.903(b)(2)

141.203(b)(2)

Changed "public water system" to singular "PWS supplier"; changed "primacy agency" to singular "Agency" (three times); changed "allow through its rules or policies" to "allow"; changed "primacy agency determinations" to singular "an Agency determination"

611.903(a)(1)

141.203(a)(1)

Changed "primacy agency" to "Agency"; added "by a SEP . . . 611.110"

611.903(b)(3)

141.203(b)(3)

Changed "public water systems" to singular "a PWS supplier"; changed "primacy agency" to singular "Agency" (twice); changed "system" to "supplier" (twice); added "the following"

611.903(a)(2)

141.203(a)(2)

Changed "primacy agency" to "Agency"; added "by a SEP . . . 611.110"

611.903(a)(3)

141.203(a)(3)

Changed "variance or exemption" to "relief equivalent to a SDWA Section 1415 variance or a SDWA Section 1416 exemption"

611.903(c)

141.203(c)

Changed opening language from a question to a statement; changed "public water systems" to singular "a PWS supplier"

611.903(b)

141.203(b)

Changed opening language from a question to a statement

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|                    |                   |  |
|--------------------|-------------------|--|
| 611.903(c)(1)      | 141.203(c)(1)     | Changed "primacy agency" to "Agency"; added "by a SEP . . .".<br>611.110"  |
| 611.903(c)(1)(A)   | 141.203(c)(1)(i)  | Changed "public water system" to singular "PWS supplier"   |
| 611.903(c)(1)(B)   | 141.203(c)(1)(ii) | Changed "system" to singular "supplier" (twice)  |
| 611.903(c)(2)      | 141.203(c)(2)     | Changed "primacy agency" to "Agency"; added "by a SEP . . .".<br>611.110"; changed "non-community water systems" to singular "a non-CWS supplier"; added "the following" |
| 611.903(c)(2)(A)   | 141.203(c)(2)(i)  | Changed "system" to "supplier"   |
| 611.903(c)(2)(B)   | 141.203(c)(2)(ii) | Deleted the comma from after the ending conjunction "or" in a series; added "the following"  |
| 611.903 Board note | 141.203           | Added citation of the federal Code of Federal Regulations source of this provision, including the Federal Register where it was added                                    |

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|               |               |  |
|---------------|---------------|--|
| 611.904(a)    | 141.204(a)    | Changed "which violations or situations require . . ." to "violations or situations that require . . ."; changed opening language from a question to a statement; changed the table into standard subsection format  |
| 611.904(a)(1) | 141.204(a)(1) | Changed "primacy agency" to "Agency"; added "by a SEP . . .".<br>611.110"  |
| 611.904(a)(2) | 141.204(a)(2) | Changed "primacy agency" to "Agency"; added "by a SEP . . .".<br>611.110"  |
| 611.904(a)(3) | 141.204(a)(3) | Changed "a variance granted under Section 1415 or an exemption granted under Section 1416" to "relief to equivalent to a SDWA Section 1415 variance granted under Section 611.111 or relief equivalent to a SDWA Section 1416 exemption granted under Section 611.112" |
| 611.904(a)(5) | 141.204(a)(5) | Changed "fluoride secondary maximum contaminant level (SMCL)" to   |



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|               |               |   |
|---------------|---------------|---|
| 611.904(b)    | 141.204(b)    | "secondary standard for fluoride"   |
|               |               | Changed opening language from a question to a statement   |
| 611.904(b)(1) | 141.204(b)(1) | Changed "public water systems" to singular "supplier"; changed "system" to "supplier" (twice); changed "variance or exemption" to "relief equivalent to a SDWA Section 1415 variance or Section 1416 exemption" (three times) |
| 611.904(b)(2) | 141.204(b)(2) | Changed "public water systems" to singular "PWS supplier"   |
| 611.904(c)    | 141.204(c)    | Changed opening language from a question to a statement; changed "public water systems" to singular "a PWS supplier"  |
| 611.904(c)(1) | 141.204(c)(1) | Changed "primacy agency" to "Agency"; added "by a SEP . . . 611.110"; changed "community water systems" to singular "a CWS supplier"  |

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|                  |                   |   |
|------------------|-------------------|---|
| 611.904(c)(1)(A) | 141.204(c)(1)(i)  | Changed "system" to "supplier"; added "the following"   |
| 611.904(c)(1)(B) | 141.204(c)(1)(ii) | Changed "system" to "supplier"; added "the following"; changed to lower case "publication"  |
| 611.904(c)(2)    | 141.204(c)(2)     | Changed "primacy agency" to "Agency"; added "by a SEP . . . 611.110"; changed "non-community water systems" to singular "a non-CWS supplier"; added "the following" |
| 611.904(c)(2)(A) | 141.204(c)(2)(i)  | Changed "system" to "supplier"  |
| 611.904(c)(2)(B) | 141.204(c)(2)(ii) | Deleted the comma from after the ending conjunction "or" in a series; changed "system" to "supplier"; added "the following"; changed to lower case "publication"    |
| 611.904(d)       | 141.204(d)        | Changed opening language from a question to a statement; changed "community water systems" to singular "a CWS supplier"; added "the following is true"              |
| 611.904(d)(1)    | 141.204(d)(1)     | Changed "system" to "supplier"  |

## POLLUTION CONTROL BOARD

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

## NOTICE OF ADOPTED AMENDMENTS

|                    |               |  |                  |                    |   |
|--------------------|---------------|--|------------------|--------------------|---|
| 611.904 Board note | 141.204       | Added citation of the Federal Code of Federal Regulations source of this provision, including the Federal Register where it was added  | 611.905(b)(1)    | 141.205(b)(1)      | Changed "public water system" to "PWS supplier"; changed "a variance or exemption" to "relief equivalent to a SDWA Section 1415 variance, under Section 611.111, or a Section 1416 exemption, under Section 611.112"; added "the following" |
| 611.905(a)         | 141.205(a)    | Changed opening language from a question to a statement; changed to singular "violation"; used the defined abbreviation "NPDWR"; changed "public water system" to "PWS supplier" | 611.905(b)(1)(A) | 141.205(b)(1)(i)   | Changed "a variance or exemption" to "relief equivalent to a SDWA Section 1415 variance or a Section 1416 exemption"  |
| 611.905(a)(1)      | 141.205(a)(1) | Changed "contaminant(s)" to "contaminants"; changed "level(s)" to "levels"   | 611.905(b)(1)(B) | 141.205(b)(1)(ii)  | Changed "a variance or exemption" to "relief equivalent to a SDWA Section 1415 variance or a Section 1416 exemption"  |
| 611.905(a)(7)      | 141.205(a)(7) | Changed "system" to "supplier"   | 611.905(b)(1)(C) | 141.205(b)(1)(iii) | Added "that" for a restrictive clause; changed "system" to "supplier"; changed "a variance or exemption" to "relief equivalent to a SDWA Section 1415 variance or a Section 1416 exemption"   |
| 611.905(a)(8)      | 141.205(a)(8) | Changed "system" to "supplier"   | 611.905(b)(1)(D) | 141.205(b)(1)(iv)  | Changed "a variance or exemption" to "relief equivalent   |
| 611.905(b)         | 141.205(b)    | Changed opening language from a question to a statement; changed "a variance or exemption" to "relief equivalent to a SDWA Section 1415 variance or a Section 1416 exemption"    |                  |                    |   |

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|                  |                    |   |   |
|------------------|--------------------|---|---|
| 611.905(b)(2)    | 141.205(b)(2)      | to a SDWA Section 1415 variance or a Section 1416 exemption"  | Changed "public water system" to "PWS supplier"; changed "a variance or exemption" to "relief equivalent to a SDWA Section 1415 variance or a Section 1416 exemption"   |
| 611.905(c)       | 141.205(c)         | Changed opening language from a question to a statement   | Changed opening language from a question to a statement; added "that" for a restrictive clause; changed "public water systems" to singular "a PWS supplier" (twice); changed "are" to "must"; changed "their" to "its" (twice); changed "are" to "is" |
| 611.905(c)(1)    | 141.205(c)(1)      | Added "must comply with the following"  |   |
| 611.905(c)(1)(A) | 141.205(c)(1)(i)   | Added "it" to make a complete sentence  |   |
| 611.905(c)(1)(B) | 141.205(c)(1)(ii)  | Added "it" to make a complete sentence  |   |
| 611.905(c)(1)(C) | 141.205(c)(1)(iii) | Added "it" to make a complete sentence  |   |
| 611.905(c)(1)(D) | 141.205(c)(1)(iv)  | Added "it" to make a complete sentence  |   |
| 611.905(c)(2)(A) | 141.205(c)(2)(i)   | Changed "public water system" to "PWS supplier"; deleted the reference to "as determined by the primacy agency"; changed "language(s)" to "languages"; changed "system" to "supplier" | Changed "primacy agency"; changed "public water system" to "PWS supplier"; changed "system" to "supplier"   |

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|   |                   |   |
|---|-------------------|---|
| 611.905(c)(2)(B)                          | 141.205(c)(2)(ii) | Changed "primacy agency" to "Agency"; changed "public water system" to "PWS supplier"; changed "system" to "supplier"   |
| 611.905(d)                                | 141.205(d)        | Changed opening language from a question to a statement; added "that" for a restrictive clause; changed "public water systems" to singular "a PWS supplier" (twice); changed "are" to "must"; changed "their" to "its" (twice); changed "are" to "is" |
| 611.905(d)(1)                             | 141.205(d)(1)     | Changed "a variance or exemption" to "relief equivalent to a SDWA Section 1415 variance or a Section 1416 exemption" (twice); changed "public water systems" to singular "PWS supplier"   |
| 611.905(d)(2)                             | 141.205(d)(2)     | Changed "public water systems" to singular "PWS supplier"; changed "their" to "its"   |
| 611.905(d)(2) required statement language | 141.205(d)(2)     | Changed "contaminant(s)" to "contaminants"  |

## POLLUTION CONTROL BOARD

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

## NOTICE OF ADOPTED AMENDMENTS

611.905(d)(3)

141.205(d)(3)

Changed "public water systems" to singular "CWS supplier"; moved "the following language"; changed "their" to "its"

"a variance, exemption" to "relief equivalent to a SDWA Section 1415 variance or a Section 1416 exemption"

611.905 Board note

141.205

Added citation of the federal Code of Federal Regulations source of this provision, including the Federal Register where it was added

611.906 Board note

141.206

Added citation of the federal Code of Federal Regulations source of this provision, including the Federal Register where it was added

611.906(a)

141.206(a)

Changed opening language from a question to a statement; changed "community water systems" to singular "a CWS supplier"; changed "a variance or exemption" to "relief equivalent to a SDWA Section 1415 variance or a Section 1416 exemption"

611.907(a)

141.207(a)

Changed opening language from a question to a statement; changed "community water system" to "CWS supplier"; changed "non-transient, non-community water system" to "NTNCWS supplier"; added "for unregulated contaminants"; changed "system" to "supplier"

611.906(b)

141.206(b)

Changed opening language from a question to a statement; changed "non-community water systems" to singular "a non-CWS supplier"; changed "a variance or exemption" to "relief equivalent to a SDWA Section 1415 variance or a Section 1416 exemption"; changed

611.907(b)

141.207(b)

Changed opening language from a question to a statement

611.907 Board note

141.207

Added citation of the federal Code of Federal Regulations source of this provision, including the Federal Register where it was added



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|                 |            |  |
|-----------------|------------|--|
| 611.908 heading | 141.208    | Changed "SCML for fluoride" to "fluoride secondary standard"   |
| 611.908(a)      | 141.208(a) | Changed opening language from a question to a statement; changed "community water systems that exceed" to singular "a CWS supplier that exceeds . . . but does not exceed"; changed "secondary maximum contaminant level (SCML)" to "SCML"; added a comma before "as specified" to offset a parenthetical; changed "system" to "supplier"; changed "public water system" to "PWS supplier"; changed "SCML" to "fluoride secondary standard"; changed "primacy agency" to "Agency." |
| 611.908(b)      | 141.208(b) | Changed opening language from a question to a statement; changed "611.904(c) and (d)(1) and (d)(3)" to "611.904(c), (d)(1), and (d)(3)"  |
| 611.908(c)      | 141.208(c) | Changed opening language from a question to a statement  |

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|  |            |   |
|--|------------|---|
| 611.908(c) required statement language | 141.208(c) | Removed unnecessary quotation marks from indented required language; changed "mg/l" to defined "mg/L" (twice); changed "U.S. EPA" to "USEPA"                          |
| 611.908 Board note                     | 141.208    | Added citation of the federal Code of Federal Regulations source of this provision, including the Federal Register where it was added                                 |
| 611.909 heading                        | 141.209    | Deleted abbreviation "NCWS"   |
| 611.909(a)                             | 141.209(a) | Changed opening language from a question to a statement; changed "non-community water system" to "non-CWS supplier"; changed "primacy agency" to "Agency"             |
| 611.909(b)                             | 141.209(b) | Changed opening language from a question to a statement; changed "non-community water systems" to singular "a non-CWS supplier"; changed "primacy agency" to "Agency" |
| 611.909 Board note                     | 141.209    | Added citation of the federal Code of Federal Regulations source of this provision,   |

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

including the Federal Register where it was added

611.910 heading

141.210

Changed "primacy agency" to "Agency"; changed to indefinite article "a"

611.910(a)

141.209(a)

Deleted opening question; changed "primacy agency" to "Agency" (twice); changed "give" to "issue"; changed "public water system" to "PWS supplier"

611.910(b)

141.210(b)

Changed opening language from a question to a statement; changed "public water system" to "a PWS supplier" (twice); changed "primacy agency" to "Agency"

611.910 Board note

141.210

Added citation of the federal Code of Federal Regulations source of this provision, including the Federal Register where it was added

611.Appendix A

Appendix A to

Subpart O of Part 141 Reformatted the seven-column table into a indented paragraph format; replaced blank cells in the table with em dashes "---" (19 times); added a

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

missing closing period at the end of the health effects language (twice); added a zero before the decimal point where missing (63 times); used lower-case "runoff" (five times); used lower-case "erosion" (seven times); used lower-case "discharge" (ten times); used lower-case "leaching" (four times); used lower-case "water"; used lower-case "an"; added column headings in abbreviations table

611.Appendix A  
Board note

Appendix A to Subpart O  
of Part 141

Changed the Code of Federal Regulations reference to the new source, with the appropriate Federal Register citation where is was added

611.Appendix A  
"total coliform bacteria"

Appendix A to Subpart O  
of Part 141

Added "fewer than" (four times); added "<" (twice)

611.Appendix A  
"total organic carbon"

Appendix A to Subpart O  
of Part 141

Changed "by products" to "byproducts"

611.Appendix A  
"nitrate"

Appendix A to Subpart O  
of Part 141

Corrected "sew age" to "sewage"

611.Appendix A  
"nitrite"

Appendix A to Subpart O  
of Part 141

Corrected "sew age" to "sewage"

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

611.Appendix A  
"2,4,5-Tp" Appendix A to Subpart O Changed the generic name to lower-cased "silvex"

611.Appendix A  
"dibromochloropropane" Appendix A to Subpart O Added the abbreviation "DBCP" in brackets

611.Appendix A  
"polychlorinated biphenyls" Appendix A to Subpart O Changed lower-cased "discharge" to

611.Appendix A  
"benzene" Appendix A to Subpart O Changed lower-cased "leaching" to

611.Appendix A  
"bromate" Appendix A to Subpart O Changed "by-product" to "byproduct"

611.Appendix A  
"chlorite" Appendix A to Subpart O Changed "by-product" to "byproduct"

611.Appendix A  
"chlorine dioxide" Appendix A to Subpart O Corrected spelling of "Chlorine dioxide"

611.Appendix A  
"haloacetic acids" Appendix A to Subpart O Changed parenthetical "HAA" abbreviation to the defined abbreviation "HAA5"; changed "by-product" to "byproduct"

611.Appendix A  
"THMs" Appendix A to Subpart O Changed "by-product" to "byproduct"

611.Appendix E  
(4)(B)(v) 141.85(a)(1)(iv)(B)(5) Corrected spelling of "home92s"; added "that" for a restrictive clause; relative clause; changed "which" to

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

"that" for a restrictive clause; changed "that" to "which" for a subsequent restrictive clause; changed "within three business days of ." to "within three business days after . . ."

141.85(a)(1) 611.Appendix E Board note Updated the citation of the federal Code of Federal Regulations source of this provision, including the Federal Register where it was amended

141.85(a)(1) 611.Appendix E (4)(D)(iii) Replaced the bracketed text "insert . . . Public Health" with "the Illinois Department of Public Health"; replaced the bracketed text "insert phone number" with "217-782-4977 or 312-814-2608"

141.85(a)(2) 611.Appendix F Added a heading in this appendix created to hold the federal notice language; renumbered the subsections to correspond with the

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|                           |                        |   |   |
|---------------------------|------------------------|---|---|
| 611.Appendix F (1)        | 141.85(a)(2)(i)        | numbering of Appendix E   | Changed "EPA" to "USEPA" (twice)  |
| 611.Appendix F (2)        | 141.85(a)(2)(ii)       | Changed commas to semicolons to separate the elements of a series that contains a sub-series (six times); separated the elements of the sub-series with commas (twice); added a comma to offset the final element of a series after "red blood cells" |   |
| 611.Appendix F (4)        | 141.85(a)(2)(iv)       | Removed "in the home" from the heading  |   |
| 611.Appendix F (4)(A)     | 141.85(a)(2)(iv)(A)    | Removed "your home's"; changed "your home's" to "the"   |   |
| 611.Appendix F (4)(B)     | 141.85(a)(2)(iv)(B)    | Removed an unnecessary comma  |   |
| 611.Appendix F (4)(D)     | 141.85(a)(2)(iv)(D)    | Added following   | "the  |
| 611.Appendix F (4)(D)(ii) | 141.85(a)(2)(iv)(D)(2) | Replaced the bracketed text "insert . . . Public Health" with "the Illinois Department of Public Health"; replaced the bracketed text "insert   | the text . . . Illinois Department of Public Health"; replaced the text phone |

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|   |                            |  |             |
|---|----------------------------|--|-------------|
| 611.Appendix F Board note   | 141.85(a)(2)               | number" with "217-782-4977 or 312-814-2608"  |             |
|   |                            | Added citation of the Federal Code of Federal Regulations source of this provision, including the Federal Register where it was added; added an explanation of how non-community water systems are regulated by the IDPH but that the Board incorporates all segments of the federal regulations |             |
| 611.Appendix G  | 141, Subpart Q, Appendix A | Replaced the footnote marking to the Section heading with opening language directing attention to the first note at the end of the table   |             |
| 611.Appendix G (I)(D)(2) "2.4, 5-Tp"                                | 141, Subpart Q, Appendix A | Changed the generic name to lower-cased "silvex"   |             |
| 611.Appendix G (I)(D)(11) "dibromochloro-propane"                   | 141, Subpart Q, Appendix A | Added the abbreviation "DBCP" in parentheses   |             |
| 611.Appendix G (I)(G)(10) "benchmarking and disinfection profiling" | 141, Subpart Q, Appendix A | Corrected "bench marking" to "benchmarking"  |             |
| 611.Appendix G (III)(A) "operation under . . . exemption"           | 141, Subpart Q, Appendix A | Removed unnecessary comma after "1416" in  | an comma in |



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|                         |                            |   |
|-------------------------|----------------------------|---|
| 611.Appendix G (III)    | 141, Subpart Q, Appendix A | column three<br>Changed "variances and exemptions" to "relief equivalent to a SDWA Section 1415 variance or a Section 1416 exemption" |
| 611.Appendix G (III)(A) | 141, Subpart Q, Appendix A | Changed "variance or exemption" to "relief equivalent to a SDWA Section 1415 variance or a Section 1416 exemption"                    |
| 611.Appendix G (III)(B) | 141, Subpart Q, Appendix A | Changed "variance or exemption" to "relief equivalent to a SDWA Section 1415 variance or a Section 1416 exemption"                    |
| 611.Appendix G (IV)(B)  | 141, Subpart Q, Appendix A | Changed "primacy agency" to "the Agency"  |
| 611.Appendix G (IV)(F)  | 141, Subpart Q, Appendix A | Changed "primacy agency" to "the Agency"; added "by a SEP . . . 611.110"; removed the marking for footnote 17 from the second column  |
| 611.Appendix G, note 1  | 141, Subpart Q, Appendix A | Changed "primacy agency" to "the Agency" (twice); added "by a SEP . . . 611.110" (twice); changed "also" to "further"                 |

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|                        |                            |  |
|------------------------|----------------------------|--|
| 611.Appendix G, note 2 | 141, Subpart Q, Appendix A | Added introductory words "definition of abbreviations used" with a colon; added quotation marks to the defined term; replaced an em dash with "means" (three times); added the conjunction "and" to offset the final element of a series |
| 611.Appendix G, note 3 | 141, Subpart Q, Appendix A | Added quotation marks to the defined term; used lower-case "violations"  |
| 611.Appendix G, note 4 | 141, Subpart Q, Appendix A | Changed "tier 3" to "tier 3 violations"  |
| 611.Appendix G, note 5 | 141, Subpart Q, Appendix A | Changed "systems that violate" to singular "a supplier that violates"; changed "primacy agency" to "the Agency" (three times); changed "elevate" to "by a SEP . . . that elevates"; changed "tier 1" to "a tier 1 violation" (twice)     |
| 611.Appendix G, note 6 | 141, Subpart Q, Appendix A | Changed "systems" to singular "a supplier"; changed to singular "a violation"; changed "primacy agency" to "the Agency" (three times); changed "elevate" to "by a SEP . . . that   |

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

611.Appendix G, note 7  
 "elevates"; changed "tier 1" to "a tier violation" (twice)  
 Changed "Subpart H systems" to singular "a Subpart B supplier"; corrected "ground water" to "groundwater"; changed "serving" to "that serves"; replaced effective date language with "is currently effective"; added the parenthetical abbreviation "SWTR"  
 Changed "Subpart H community and transient non-community systems" to singular "a Subpart B community or transient non-community system supplier"; changed "serving >10,000" to "that serves 10,000 persons or more"; changed "Subpart H transient non-community systems" to singular "a Subpart B transient non-community system supplier" (twice); changed "using" to "which uses" (twice); corrected "ground water" to

611.Appendix G, note 9  
 141, Subpart Q, Appendix A  
 Changed "Subpart H community and transient non-community systems" to singular "a Subpart B community or transient non-community system supplier"; changed "serving >10,000" to "that serves 10,000 persons or more"; changed "Subpart H transient non-community systems" to singular "a Subpart B transient non-community system supplier" (twice); changed "using" to "which uses" (twice); corrected "ground water" to

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

611.Appendix G, note 12  
 "groundwater"; added a comma after "surface water" to offset the final element of a series  
 141, Subpart Q, Appendix A  
 Added the indefinite article "a" before "failure"  
 611.Appendix G, note 13  
 141, Subpart Q, Appendix A  
 Changed "systems" to "suppliers"  
 611.Appendix G, note 14  
 141, Subpart Q, Appendix A  
 Added "federal"; changed "variance [or exemption]" to "relief equivalent to a SDWA Section 1415 variance or a Section 1416 exemption"  
 611.Appendix G, note 15  
 141, Subpart Q, Appendix A  
 Added "federal"; changed "variance for small systems" to "relief equivalent to a SDWA Section 1415 small system variance"; added an explanation of the limitation on the Board's authority to grant relief from a federally-derived standard  
 611.Appendix G, note 16  
 141, Subpart Q, Appendix A  
 Changed "that" to "which" for a subsequent restrictive relative clause  
 611.Appendix G, note 17  
 141, Subpart Q, Appendix A  
 Omitted a note relating only to the authority of

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

the State to assign tiers

611.Appendix G  
Board Note 141, Subpart Q, Appendix A

Added citation of the Federal Code of Federal Regulations source of this provision, including the Federal Register where it was added

611.Appendix H  
(1a) 141, Subpart Q, Appendix B

Used standard font for note "3" 611.Appendix H (26) "2,4,5-TP" 141, Subpart Q, Appendix B Changed the generic name to lower-cased "silvex"

611.Appendix H  
(58) 141, Subpart Q, Appendix B

Corrected the spelling of "p-dichlorobenzene"

611.Appendix H  
(59) 141, Subpart Q, Appendix B

Corrected the spelling of "p-dichlorobenzene"

611.Appendix H  
(62) 141, Subpart Q, Appendix B

Corrected the spelling of "p,p'-dichlorodiphenyl ether"

611.Appendix H  
(63) 141, Subpart Q, Appendix B

Corrected the spelling of "trans-1,2-dichloroethyl"

611.Appendix H (H)  
"disinfection byproducts . . ."

Changed the parenthetical abbreviation "HAA's" to the defined abbreviation "HAA's"

611.Appendix H (80)  
"naioacetic acids" 141, Subpart Q, Appendix B

Changed the parenthetical abbreviation "HAA" to the defined

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

611.Appendix H, note 1 141, Subpart Q, Appendix B abbreviation "HAA's" Added marks to the defined term; changed an em-dash with "means"; added a closing period

611.Appendix H, note 2 141, Subpart Q, Appendix B Added marks to the defined term; changed an em-dash with "means"; added a closing period

611.Appendix H, note 3 141, Subpart Q, Appendix B Changed "water systems" to singular "a water supplier" (twice)

611.Appendix H, note 4 141, Subpart Q, Appendix B Changed "water systems that are" to singular "a water supplier that is"

611.Appendix H, note 5 141, Subpart Q, Appendix B Added marks to the defined term; changed an em-dash with "means"; added a closing period

611.Appendix H, note 6 141, Subpart Q, Appendix B Changed "water systems" to singular "a supplier"; changed "primacy agency" to "Agency"

611.Appendix H, note 7 141, Subpart Q, Appendix B Added marks to the defined term; changed an em-dash with "means"; added a closing period

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|                             |                               |  |                                 |
|-----------------------------|-------------------------------|--|---------------------------------|
| 611. Appendix H, note<br>8  | 141, Subpart Q, Appendix<br>B | Changed<br>systems"<br>singular<br>supplier"<br>(twice); corrected<br>"ground water" to<br>"groundwater";<br>changed "primacy<br>agency" to "Agency"   | "water<br>to<br>"a<br>supplier" |
| 611. Appendix H, note<br>11 | 141, Subpart Q, Appendix<br>B | Changed<br>fibers"<br>"millions<br>fibers"   | "millions<br>to<br>of           |
| 611. Appendix H, note<br>12 | 141, Subpart Q, Appendix<br>B | Added<br>period  | closing                         |
| 611. Appendix H, note<br>13 | 141, Subpart Q, Appendix<br>B | Added<br>period  | closing                         |
| 611. Appendix H, note<br>14 | 141, Subpart Q, Appendix<br>B | Corrected<br>"millirems<br>to<br>"millirems<br>year";<br>closing period  | per<br>to<br>per<br>added       |
| 611. Appendix H, note<br>15 | 141, Subpart Q, Appendix<br>B | Added<br>period  | closing                         |
| 611. Appendix H, note<br>16 | 141, Subpart Q, Appendix<br>B | Changed<br>water systems and<br>ground<br>systems"<br>singular "a surface<br>water<br>supplier or a<br>groundwater system<br>supplier"; changed<br>"Subpart H<br>community and<br>non-transient non<br>community systems<br>serving >10,000" to<br>"a Subpart B<br>community water<br>system supplier or |                                 |

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|                               |                               |  |   |
|-------------------------------|-------------------------------|--|---|
| 611. Appendix H, note<br>17   | 141, Subpart Q, Appendix<br>B | Changed "Subpart H<br>community water<br>systems" to<br>singular "a Subpart<br>B community water<br>system supplier";<br>added "persons";<br>changed "all<br>systems" to "a<br>supplier" | a non-transient<br>non- community<br>system supplier<br>that serves 10,000<br>or more persons";<br>changed to<br>hyphenated "non-<br>community"; changed<br>"systems" to<br>"system suppliers"<br>(three times);<br>corrected "ground<br>water" to<br>"groundwater" |
| 611. Appendix H, note<br>20   | 141, Subpart Q, Appendix<br>B | Added<br>marks to the<br>defined term;<br>changed an em-dash<br>with "means"; added<br>a closing period  | Added quotation<br>marks to the<br>defined term;<br>changed an em-dash<br>with "means"; added<br>a closing period   |
| 611. Appendix H, note<br>21   | 141, Subpart Q, Appendix<br>B | Added<br>marks to the<br>defined term;<br>changed an em-dash<br>with "means"; added<br>a closing period  | Added quotation<br>marks to the<br>defined term;<br>changed an em-dash<br>with "means"; added<br>a closing period   |
| 611. Appendix H<br>Board note | 141, Subpart Q, Appendix<br>B | Added citation of<br>the federal Code of<br>Federal Regulations<br>source of this<br>provision,<br>including the<br>Federal Register<br>where it was added                               | Added citation of<br>the federal Code of<br>Federal Regulations<br>source of this<br>provision,<br>including the<br>Federal Register<br>where it was added  |



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|                           |                            |  |
|---------------------------|----------------------------|--|
| 611.Appendix I Board note | 141, Subpart Q, Appendix C | Added citation of the Federal Code of Federal Regulations source of this provision, including the Federal Register where it was added  |
| 611.Table G note 6        | 141.87, table              | Changed the note number to standard font, adding a period; Changed "ground water systems" to "a groundwater system supplier"   |
| 611.Table G note 7        | 141.87, table              | Changed the note number to standard font, adding a period; Changed "water systems" to "a water supplier"; changed "they have" to singular "it has"; changed to written "three"   |
| 611.Table G note 8        | 141.87, table              | Changed the note number to standard font, adding a period; Changed "water systems" to "a water supplier" (twice); changed "they have" to singular "it has" (twice); changed to written "three" (twice); changed "primacy agency" to "Agency" |

Table 2:

Board Housekeeping Amendments

| Section | Source | Revision(s) |
|---------|--------|-------------|
|---------|--------|-------------|

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|   |  |
|---|--|
| 611 Table of Contents, Board Subpart T heading          | Removed "public notification" from the heading for Subpart T   |
| 611 table of contents, JCAR Section 611.909 heading     | Changed to capitalized "Non-Community" to agree with the Section heading in the text   |
| 611 Table of Contents, Board Appendix E heading         | Added "for community Water Systems"  |
| 611 table of contents, JCAR, SOS, Board Table G heading | Changed "Monitoring Requirements" to "Section 611.357 Monitoring Requirements" to agree with the Section heading in the text; removed the footnote marking "1" |
| 611.126(a) Board  | Changed "shall" to "must"; changed "subsection (b)" to "subsection (b) of this Section"  |
| 611.126 Board note                                      | Updated the Code of Federal Regulations reference; added a reference to the notice where USEPA designated the standard   |
| 611.131 preamble Board, USEPA                           | Added "Federal" and the appropriate reference to the United States Code; corrected the cross-reference   |

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|                       |       |  |
|-----------------------|-------|--|
| 611.131(a)            | Board | from "42 USC 300g-1" to "42 USC 300g-4(e)"   |
|                       |       | Changed "shall" to "must"  |
| 611.131(c) Board note | JCAR  | Changed "pre - 1986" to "pre-1986" for consistency (twice)   |
| 611.131(c)(2)         | Board | Added "the following is true"  |
| 611.131(c)(2)(B)      | Board | Added "federal" and the appropriate reference to the United States Code  |
| 611.131(c) Board note | Board | Corrected "pre - 1986" to "pre-1986"   |
| 611.131(e)            | Board | Changed "shall" to "must"  |
| 611.131(e)(1)         | Board | Added "that the" for enhanced clarity  |
| 611.131(e)(2)         | Board | Added "that the" for enhanced clarity; added "the following"   |
| 611.131(e)(2)(D)      | Board | Added "federal" for enhanced clarity   |
| 611.131(e)(3)         | Board | Added "that the" for enhanced clarity; added "federal" and the appropriate reference to the United States Code |

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|                       |             |  |
|-----------------------|-------------|--|
| 611.131(e)(4)         | Board       | Added "that the" for enhanced clarity  |
| 611.131(e)(5)         | Board       | Added "that the" for enhanced clarity  |
| 611.131(f)(1)(B)      | JCAR        | Removed an unnecessary comma from before a prepositional clause  |
| 611.131(f)(2)(C) note | Board, JCAR | Added the date to the Code of Federal Regulations citation; changed to singular "term"   |
| 611.131(g)(1)         | Board       | Changed "shall" to "must"; added "the following means"   |
| 611.131(g)(2)(A)      | JCAR        | Changed "contaminant(s)" to "contaminants"   |
| 611.131(g)(2)(B)      | Board, JCAR | Changed "contaminant(s)" to "contaminants"; added a comma before "using" to clarify the meaning; corrected the cross-reference to "Appendix H" |
| 611.131(g)(3)         | Board       | Changed "shall" to "must"  |
| 611.131(i)            | Board       | Changed "shall" to "must"; added the appropriate reference to the United States Code   |

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

611.131 Board note Board Updated the Code of Federal Regulations reference

611.261 preamble Board Changed "shall" to "must" (three times); changed to written "six"

611.261(a) Board Changed to written "ten"

611.261(a)(3) Board Changed "less" to more appropriate "fewer" (twice)

611.261(a)(5) Board, JCAR Changed "less" to more appropriate "fewer" (twice)

611.261(a)(6) Board, JCAR Changed "less" to more appropriate "fewer" (twice)

611.261(a)(7) Board, JCAR Changed "date(s)" to "dates"; changed "date(s) . . . was" to "dates . . . were"; changed "measurement(s)" to "measurements"; changed "occurrence(s)" to "occurrences"

611.261(a)(9) Board Changed to written "ten"

611.261(b) Board Changed to written "ten"

611.261(b)(3) Board Changed "RDC(s)" to "RDCs"; changed "time(s)" to "times"; changed "value(s)" to "values"

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

611.261(b)(4) Board Changed "measurement(s)" to "measurements"

611.261(b)(5) Board Changed "measurement(s)" to "measurements"

611.261(b)(8) JCAR Changed the cross-reference to "Section 611.240 through 611.242"

611.261(b)(8)(F) Board Reformatted the equation into the standard equation format; removed the ending periods from the definitions of the variables (five times); removed unnecessary conjunction "and" and comma

611.261(c) Board, JCAR Changed "shall" to "must"; corrected the cross-reference to "Section 611.232(b)"

611.261(d) Board Changed "shall" to "must" (twice)

611.261(e)(1) Board Changed "shall" to "must"

611.261(e)(2) Board Changed "shall inform" to "must consult with"

611.261(e)(3) Board Changed "shall" to "must" (twice); changed to written "four"

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|                    |             |   |                  |       |   |
|--------------------|-------------|---|------------------|-------|---|
| 611.261 Board note | Board       | Updated the Code of Federal Regulations reference, adding the appropriate Federal Register citation   |                  |       | (b)(3)(B) of this Section"; changed subsection (b)(3)(C) to subsection (b)(3)(C) of this Section"; changed subsection (b)(3)(D) to subsection (b)(3)(D) of this Section"; changed to lower-case "and," removed an unnecessary comma after the conjunction; changed "subsection (b)(3)(E)" to "subsection (b)(3)(E) of this Section" |
| 611.262 preamble   | Board       | Changed "shall" to "must"; removed the past effective date language "beginning . . . whichever is later"  |                  |       |   |
| 611.262(a)         | Board, JCAR | Changed to written "ten"; changed "system" to "supplier"  |                  |       |   |
| 611.262(b)         | Board, JCAR | Changed to written "ten"; changed "system" to "supplier"  |                  |       |   |
| 611.262(b)(3)      | Board       | Changed "Section 611.240 et seq." to "Sections 611.240 through 611.242"   | 611.262(b)(3)(g) | Board | Changed "(b)(3)(A) through (F)" to "(b)(3)(F) of this Section"; changed "system" to "supplier"  |
| 611.262(b)(3)(F)   | Board, JCAR | Changed "system" to "supplier"; changed the equation to the standard equation format; changed subsection (b)(3)(A) to subsection (b)(3)(A) of this Section"; removed the ending punctuation and the conjunction "and" from between the definitions of variables; changed subsection (b)(3)(B) to subsection | 611.262(c)(1)    | Board | Changed "system" to "supplier"; changed "shall" to "must"   |
|                    |             |   | 611.262(c)(2)    | Board | Changed "system shall" to "supplier must"   |
|                    |             |   | 611.262(c)(3)    | Board | Changed "system shall" to "supplier must"; changed "system also shall" to "supplier also must"; changed to written "four"   |

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|                       |             |  |
|-----------------------|-------------|--|
| 611.262 Board note    | Board       | Updated the Code of Federal Regulations reference, adding the appropriate Federal Register citation  |
| 611.Subpart F heading | JCAR, Board | Added the apostrophe missing from "(MCL's)" and showed it as overstruck for deletion in the present amendments; added "and Maximum Residual Disinfectant Levels (MRDLs)" to the Subsection heading to agree with the table of contents |
| 611.300(a)            | Board       | Changed "subsection (b) below" to "subsection (b) of this Section"   |
| 611.300(a) Board Note | Board       | Updated the Code of Federal Regulations reference  |
| 611.300(b)            | JCAR        | Changed "MCL's" to "MCLs"  |
| 611.300(b) Board Note | Board       | Updated the Code of Federal Regulations reference  |
| 611.300(c)            | Board       | Updated the Code of Federal Regulations reference  |
| 611.300(d)(1)         | Board       | Corrected the subsection number  |
| 611.300(d)(2)         | Board       | Corrected the subsection number  |

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|                       |             |   |
|-----------------------|-------------|---|
| 611.300(d)(3)         | Board       | Corrected the subsection number; omitted the unnecessary ending conjunction "and"                               |
| 611.300(d)(4)         | Board, JCAR | Corrected the subsection number; changed "Public Health" to "the Department of Public Health"                   |
| 611.300(d)(5)         | Board       | Corrected the subsection number   |
| 611.300(d) Board Note | Board, JCAR | Updated the Code of Federal Regulations reference; changed "Public Health" to "the Department of Public Health" |
| 611.300(e)            | Board       | Changed "subsection (b) above" to "subsection (b) of this Section"  |
| 611.300(e)(1)         | Board       | Changed "less" to more appropriate "fewer" (twice)  |
| 611.300(e) Board Note | Board       | Changed "this is" to "the requirements of subsection (e) of this Section are"                                   |
| 611.325(a)(1)         | Board       | Changed "which" to "that" for a restrictive relative clause   |
| 611.325(a)(2)         | Board       | Changed "which" to "that" for a restrictive relative clause   |



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|                    |             |  |  |             |                  |   |
|--------------------|-------------|--|--|-------------|------------------|---|
| 611.325(c)         | Board       | Changed "shall" to "must"; corrected the cross-reference to subsections (a) and (b) of this Section"   |  |             |                  | Changed "shall" to "must" (three times); changed "this subsection" to "this subsection (b)(2)"      |
| 611.325(d)         | Board       | Corrected the cross-reference to subsections (a) and (b) of this Section"  |  | JCAR, Board |                  | Changed "shall" to "must" (three times); changed "this subsection" to "this subsection (b)(2)"      |
| 611.325(d)(5)      | Board       | Changed "U.S. EPA" to "USEPA"  |  | Board       | 611.351(b)(2)(A) | Capitalized the first word of the subsection  |
| 611.325 Board note | Board       | Updated the Code of Federal Regulations source of this provision, including the Federal Register citation for later amendments   |  | Board       | 611.351(b)(2)(B) | Capitalized the first word of the subsection  |
| 611.351(a)         | Board       | Changed "shall" to "must"  |  | Board       | 611.351(b)(2)(C) | Capitalized the first word of the subsection  |
| 611.351(a)(1)      | Board       | Changed "shall" to "must"; changed subsection (d) below" to "subsection (d) of this Section"; changed "subsection (b)(3) below" to "subsection (b)(3) of this Section" |  | Board       | 611.351(b)(2)(D) | Capitalized the first word of the subsection  |
| 611.351(a)(2)      | JCAR, Board | Changed "3300" to "3,300"; deleted redundant "or fewer"; changed "shall" to "must"; changed "subsection (d) below" to "subsection (d) of                               |  | JCAR        | 611.351(c)(1)(B) | Parenthetically added the standardized abbreviation "PQL"   |
|                    |             |  |  | Board       | 611.351(c)(2)    | Capitalized the opening word "the"  |
|                    |             |  |  | Board       | 611.351(c)(3)    | Changed "subsection (c)(1) above" to "subsection (c)(1) of this Section"; changed "shall" to "must" |
|                    |             |  |  | Board       | 611.351(c)(3)    | Changed "shall" to "must"   |

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|                          |             |  |
|--------------------------|-------------|--|
| 611.351(c)(4)            | Board       | Changed "subsection (e) below" to "subsection (e) of this Section"; changed "subsection (b)(1) above" to "subsection (b)(1) of this Section" |
| 611.351(d)               | Board       | Changed "subsections (b)(2) and (b)(3) above" to "subsections (b)(2) and (b)(3) of this Section"; changed "shall" to "must"                  |
| 611.351(d)(1)            | Board       | Changed "shall" to "must"  |
| 611.351(d)(1) Board note | Board, JCAR | Changed "U.S. EPA" to "USEPA"; added the date to the Code of Federal Regulations citation; changed to capitalized "State"                    |
| 611.351(d)(2)            | Board       | Changed "shall" to "must"  |
| 611.351(d)(3)            | Board       | Changed "shall" to "must"  |
| 611.351(d)(4)            | Board       | Changed "shall" to "must"  |
| 611.351(d)(5)            | Board       | Changed "shall" to "must"  |
| 611.351(d)(6)            | Board       | Changed "shall" to "must"  |
| 611.351(d)(7)            | Board       | Changed "shall" to "must"  |

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|               |       |   |
|---------------|-------|---|
| 611.351(e)    | Board | Changed "subsection (b) above" to "subsection (b) of this Section"; changed "shall" to "must"   |
| 611.351(e)(1) | Board | Changed "shall" to "must" (twice)   |
| 611.351(e)(2) | Board | Changed "shall" to "must"   |
| 611.351(e)(3) | Board | Changed "subsection (e)(2) above" to "subsection (e)(2) of this Section"; changed "shall" to "must"   |
| 611.351(e)(4) | Board | Changed "subsection (e)(2) above" to "subsection (e)(2) of this Section"; changed "shall" to "must"; changed to written "six"; changed "subsection (e)(3) above" to "subsection (e)(3) of this Section" |
| 611.351(e)(5) | Board | Changed "shall" to "must"   |
| 611.351(e)(6) | Board | Changed "shall" to "must"   |
| 611.351(e)(7) | Board | Changed "shall" to "must"; changed to written "six"; changed "subsection (e)(6) above" to "subsection (e)(6) of this Section"   |
| 611.351(e)(8) | Board | Changed "shall" to "must"   |

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|                    |             |   |
|--------------------|-------------|---|
| 611.351 Board note | Board       | Updated the Code of Federal Regulations reference, adding the appropriate Federal Register citation |
| 611.352 preamble   | Board       | Changed "shall" to "must"   |
| 611.352(a)(1)      | Board       | Changed "shall" to "must"; changed "subsection (c)(1) below" to "subsection (c)(1) of this Section" |
| 611.352(b)         | Board       | Changed "subsection (c) below" to "subsection (c) of this Section"                                  |
| 611.352(c)(1)      | Board       | Changed "shall" to "must"   |
| 611.352(c)(1)(A)   | Board       | Capitalized the first word of the subsection  |
| 611.352(c)(1)(B)   | Board       | Capitalized the first word of the subsection  |
| 611.352(c)(1)(C)   | Board       | Capitalized the first word of the subsection  |
| 611.352(c)(2)      | Board       | Changed "shall" to "must"   |
| 611.352(c)(3)      | Board, JCAR | Changed "shall" to "must"; changed "this subsection" to "this subsection (c)"                       |

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|                  |       |  |
|------------------|-------|--|
| 611.352(c)(3)(A) | Board | Capitalized the first word of the subsection |
| 611.352(c)(3)(B) | Board | Capitalized the first word of the subsection |
| 611.352(c)(3)(D) | Board | Capitalized the first word of the subsection |
| 611.352(c)(3)(E) | Board | Capitalized the first word of the subsection |
| 611.352(c)(3)(F) | Board | Capitalized the first word of the subsection |
| 611.352(c)(3)(G) | Board | Capitalized the first word of the subsection |
| 611.352(c)(3)(H) | Board | Capitalized the first word of the subsection |
| 611.352(c)(3)(I) | Board | Capitalized the first word of the subsection |
| 611.352(c)(4)    | Board | Changed "shall" to "must"                    |
| 611.352(c)(4)(A) | Board | Capitalized the first word of the subsection |
| 611.352(c)(4)(B) | Board | Capitalized the first word of the subsection |
| 611.352(c)(5)    | Board | Changed "shall" to "must"                    |

## POLLUTION CONTROL BOARD

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

## NOTICE OF ADOPTED AMENDMENTS

|               |       |   |                  |       |  |
|---------------|-------|---|------------------|-------|--|
| 611.352(c)(6) | Board | Changed "shall" to "must" (twice); changed "subsections (c)(1) through (c)(5) to above" to "subsections (c)(1) through (c)(5) of this Section"  | 611.352(f)(1)(A) | Board | Capitalized the first word of the subsection   |
| 611.352(d)(1) | Board | Changed "subsection (c) above" to "subsection (c) of this Section"; changed "shall" to "must" (twice); changed "treatment(s)" to "treatments"; changed "subsection (c)(1) above" to "subsection (c)(1) of this Section" | 611.352(f)(1)(B) | Board | Capitalized the first word of the subsection; changed "shall" to "must"  |
| 611.352(d)(2) | Board | Changed "shall" to "must"; changed "subsection (d)(1) above" to "subsection (d)(1) of this Section"   | 611.352(f)(1)(C) | Board | Capitalized the first word of the subsection   |
| 611.352(e)    | Board | Changed "shall" to "must"; changed "subsection (d) above" to "subsection (d) of this Section"   | 611.352(f)(1)(D) | Board | Capitalized the first word of the subsection   |
| 611.352(f)    | Board | Changed "shall" to "must"; changed "subsection (d) above" to "subsection (d) of this Section"   | 611.352(f)(1)(E) | Board | Capitalized the first word of the subsection   |
| 611.352(f)(1) | Board | Changed "shall" to "must"; added "the following"  | 611.352(f)(2)    | Board | Changed "subsection (f)(1) above" to "subsection (f)(1) of this Section"; changed "shall" to "must"                                |
|               |       |   | 611.352(f)(4)    | Board | Changed "shall" to "must"  |
|               |       |   | 611.352(g)       | JCAR  | Removed the overstruck and underlined words "each sample" from "in accordance"; changed "this subsection" to "this subsection (g)" |
|               |       |   | 611.352(h)(1)    | Board | Changed "subsection (d) above" to "subsection (d) of this Section"; changed "subsection (f) above" to "subsection (f) of           |

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|                    |       |   |               |
|--------------------|-------|---|---------------|
| 611.352(h)(4)      | Board | Changed "subsection (h)(1) above" to "subsection (h)(1) of this Section"  | this Section" |
| 611.352(i)         | Board | Changed "subsections (d), (f), or (h) above" to "subsections (d), (f), or (h) of this Section"; added "the following is true" |               |
| 611.352(i)(1)      | Board | Capitalized the first word of the subsection  |               |
| 611.352(i)(2)      | Board | Capitalized the first word of the subsection  |               |
| 611.352(i)(3)      | Board | Capitalized the first word of the subsection  |               |
| 611.352 Board note | Board | Updated the Code of Federal Regulations reference, adding the appropriate Federal Register citation                           |               |
| 611.354(a)(1)      | Board | Changed "shall" to "must"; changed "subsection (b) below" to "subsection (b) of this Section"                                 |               |
| 611.354(b)(1)      | Board | Changed "subsection (a) above" to "subsection (a) of this Section"; changed "shall" to "must"; changed to                     |               |

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|                  |             |   |                 |
|------------------|-------------|---|-----------------|
| 611.354(b)(3)    | Board       | Changed "shall" to "must"   | written "seven" |
| 611.354(b)(4)    | Board       | Changed "shall" to "must"; changed "subsection (a) above" to "subsection (a) of this Section"   |                 |
| 611.354(e)(1)    | Board       | Changed "shall" to "must"   |                 |
| 611.354(e)(2)    | Board       | Changed "shall" to "must"; changed "subsection (f)(1) above" to "subsection (e)(1) of this Section"; changed to written "six"; changed "subsection (a) above" to "subsection (a) of this Section" |                 |
| 611.354(f)(1)(A) | Board, JCAR | Capitalized the first word of the subsection; added an ending semicolon before the conjunction  |                 |
| 611.354(f)(1)(B) | Board       | Capitalized the first word of the subsection  |                 |
| 611.354(f)(2)    | Board       | Changed "shall" to "must"; changed "subsection (b) above" to "subsection (b) of this Section"   |                 |



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|                                      |       |   |
|--------------------------------------|-------|---|
| 611.354(g)                           | Board | Changed subsections (a) through (d) above to "subsections (a) through (d) of this Section"; changed "shall" to "must"   |
| 611.354 Board note                   | Board | Updated the Code of Federal Regulations reference, adding the appropriate Federal Register citation   |
| 611.355 preamble                     | Board | Changed "shall" to "must"; changed "subsections (a) and (b) below" to "subsections (a) and (b) of this Section"; changed "subsection (c) below" to "subsection (c) of this Section"   |
| 611.355(a)(1)                        | Board | Added the defined abbreviation "CWS"; changed "shall" to "must" (twice); changed "Section 611.Appendix E" to "Appendix E of this Part" (twice); changed "laypersons" to "lay persons" |
| 611.355(a)(1) Board note JCAR, USEPA |       | Corrected "lead an copper" to "lead and copper"   |
| 611.355(b)                           | Board | Changed "shall" to "must"   |

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|                       |       |   |
|-----------------------|-------|---|
| 611.355(c)(1)         | Board | Changed "shall" to "must"; changed "language(s)" to "languages"   |
| 611.355(c)(2)         | Board | Changed "shall" to "must"; added a comma after "days" to offset a parenthetical   |
| 611.355(c)(2)(A)      | Board | Capitalized the first word of the subsection; changed "subsection (a)(1) above" to "subsection (a)(1) of this Section"                                    |
| 611.355(c)(2)(B)      | Board | Capitalized the first word of the subsection; changed "subsection (a)(1) above" to "subsection (a)(1) of this Section"                                    |
| 611.355(c)(2)(C)      | Board | Capitalized the first word of the subsection; changed "subsections (a)(2) and (a)(4) above" to "subsections (a)(2) and (a)(4) of Appendix E of this Part" |
| 611.355(c)(2)(C)(i)   | Board | Capitalized the first word of the subsection  |
| 611.355(c)(2)(C)(ii)  | Board | Capitalized the first word of the subsection  |
| 611.355(c)(2)(C)(iii) | Board | Capitalized the first word of the subsection; changed   |

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

| POLLUTION CONTROL BOARD  |       | POLLUTION CONTROL BOARD  |       |
|--|-------|--|-------|
| NOTICE OF ADOPTED AMENDMENTS   |       | NOTICE OF ADOPTED AMENDMENTS   |       |
| 611.355(c)(2)(C)(iv)   | Board | 611.355(c)(3)(B)   | Board |
| "program(s)" to "programs"   |       | Capitalized the first word of the subsection; changed "subsection (c)(2)(D) above" to "subsection (c)(2)(D) of this Section"; changed to written "six" |       |
| 611.355(c)(2)(C)(v)  | Board |  |       |
| Capitalized the first word of the subsection   |       | Changed "shall" to "must"; changed "Section  |       |
| 611.355(c)(2)(C)(vi)   | Board | 611.355(c)(4)  | Board |
| Capitalized the first word of the subsection   |       | Capitalized the first word of the subsection   |       |
| 611.355(c)(2)(C)(vii)  | Board | 611.Appendix E(1), (2), and (4)" to "Appendix E or F of this Part"   | Board |
| Capitalized the first word of the subsection   |       | 611.355(c)(4)(A)   |       |
| 611.355(c)(2)(D)   | Board | 611.355(c)(4)(B)   | Board |
| Capitalized the first word of the subsection; changed "subsection (b) above" to "subsection (b) of this Section"   |       | 611.355(c)(5)  |       |
| 611.355(c)(3)  | Board |  | Board |
| Changed "shall" to "must"; changed "subsections (c)(2)(A) through (c)(2)(D) above" to "subsections (c)(2)(A) through (c)(2)(D) of this Section"                    |       | 611.355(c)(6)  |       |
| 611.355(c)(3)(A)   | Board |  | Board |
| Capitalized the first word of the subsection; changed "subsections (c)(2)(A) through (c)(2)(C) above" to "subsections (c)(2)(A) through (c)(2)(C) of this Section" |       | 611.355(d)   |       |
|  |       | 611.355 Board note   |       |
|  |       | Board  |       |
|  |       | Updated the Code of Federal Regulations reference, adding the appropriate Federal Register citation  |       |
|  |       | 611.356(a)(1)(A)   |       |
|  |       | Board  |       |
|  |       | Changed "subsection (d)(1) below" to "subsection (d)(1) of this Section"; changed "shall" to   |       |

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|                       |       |   |   |
|-----------------------|-------|---|---|
| 611.356(a)(1)(B)      | Board | Changed "subsection (c) below" to "subsection (c) of this Section"                            | "must"  |
| 611.356(a)(1)(C)      | Board | Changed "shall" to "must"   | Changed "shall" to "must"   |
| 611.356(a)(1)(D)      | Board | Changed "shall" to "must"   | Changed "shall" to "must"   |
| 611.356(a)(2)(A)      | Board | Changed "shall" to "must"   | Changed "shall" to "must"   |
| 611.356(a)(2)(B)      | Board | Changed "subsection (a) below" to "subsection (a) of this Section"; changed "shall" to "must" | Changed "subsection (a) below" to "subsection (a) of this Section"; changed "shall" to "must" |
| 611.356(a)(2)(B)(i)   | Board | Capitalized the first word of the subsection; changed "department(s)" to "departments"        | Capitalized the first word of the subsection  |
| 611.356(a)(2)(B)(ii)  | Board | Capitalized the first word of the subsection  | Capitalized the first word of the subsection  |
| 611.356(a)(2)(B)(iii) | Board | Capitalized the first word of the subsection  | Capitalized the first word of the subsection  |
| 611.356(a)(2)(B)(iv)  | Board | Capitalized the first word of the subsection; changed "shall" to "must"                       | Capitalized the first word of the subsection  |
| 611.356(a)(3)         | Board | Changed "shall" to "must"   | Changed "shall" to "must"   |
| 611.356(a)(3)(A)      | Board | Changed "shall" to "must"   | Changed "shall" to "must"   |

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|                      |                  |  |  |
|----------------------|------------------|--|--|
| 611.356(a)(3)(A)(i)  | Board            | Capitalized the first word of the subsection           | Capitalized the first word of the subsection           |
| 611.356(a)(3)(A)(ii) | Board            | Capitalized the first word of the subsection           | Capitalized the first word of the subsection           |
| 611.356(a)(3)(A)     | Board note Board | Added citation to the federal source of this provision | Added citation to the federal source of this provision |
| 611.356(a)(3)(B)     | Board            | Changed "shall" to "must"                              | Changed "shall" to "must"                              |
| 611.356(a)(3)(B)(i)  | Board            | Capitalized the first word of the subsection           | Capitalized the first word of the subsection           |
| 611.356(a)(3)(B)(ii) | Board            | Capitalized the first word of the subsection           | Capitalized the first word of the subsection           |
| 611.356(a)(3)(B)     | Board            | Added citation to the federal source of this provision | Added citation to the federal source of this provision |
| 611.356(a)(3)(C)     | Board            | Changed "shall" to "must"                              | Changed "shall" to "must"                              |
| 611.356(a)(3)(C)     | Board            | Added citation to the federal source of this provision | Added citation to the federal source of this provision |
| 611.356(a)(3)(D)     | Board            | Changed "shall" to "must"                              | Changed "shall" to "must"                              |
| 611.356(a)(3)(D)(i)  | Board            | Capitalized the first word of the subsection           | Capitalized the first word of the subsection           |
| 611.356(a)(3)(D)(ii) | Board            | Capitalized the first word of the subsection           | Capitalized the first word of the subsection           |
| 611.356(a)(3)(D)     | Board note Board | Added citation to the federal source of this provision | Added citation to the federal source of this provision |

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|                       |       |   |
|-----------------------|-------|---|
| 611.356(a)(3)(E)      | Board | Changed "shall" to "must"   |
| 611.356(a)(3)(E)      | Board | Added citation to the federal source of this provision  |
| 611.356(a)(4)         | Board | Changed "shall" to "must"   |
| 611.356(a)(4)(A)      | Board | Changed "shall" to "must"   |
| 611.356(a)(4)(A)(i)   | Board | Added citation to the federal source of this provision  |
| 611.356(a)(4)(A)(ii)  | Board | Deleted "fewer than . . . residences, and" not present in the federal text  |
| 611.356(a)(4)(A)(iii) | Board | Added citation to the federal source of this provision  |
| 611.356(a)(4)(A)(iv)  | Board | Added "CWS" for clarity; changed "shall" to "must"; deleted unnecessary comma after "has"; deleted "the supplier shall" |
| 611.356(a)(4)(A)(iv)  | Board | Added citation to the federal source of this provision  |
| 611.356(a)(4)(B)(i)   | Board | Changed "shall" to "must"; divided the subsection, adding a closing period  |

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|                       |       |  |
|-----------------------|-------|--|
| 611.356(a)(4)(B)(i)   | Board | Added citation to the federal source of this provision                       |
| 611.356(a)(4)(B)(ii)  | Board | Divided the subsection from subsection (a)(4)(B)(i), adding the opening "if" |
| 611.356(a)(4)(B)(ii)  | Board | Added citation to the federal source of this provision                       |
| 611.356(a)(4)(B)(iii) | Board | Renumbered the subsection; changed "shall" to "must"                         |
| 611.356(a)(4)(B)(iii) | Board | Added citation to the federal source of this provision                       |
| 611.356(a)(4)(C)      | Board | Changed "shall" to "must"  |
| 611.356(a)(4)(C)(iii) | Board | Changed "shall" to "must"  |
| 611.356(a)(4)(C)(iii) | Board | Added citation to the federal source of this provision                       |
| 611.356(b)(1)         | Board | Changed "shall" to "must"  |
| 611.356(b)(2)(A)      | Board | Changed "shall" to "must"  |
| 611.356(b)(2)(B)      | Board | Changed "shall" to "must"  |
| 611.356(b)(2)(C)      | Board | Changed "shall" to "must"  |
| 611.356(b)(2)(E)      | Board | Renumbered the subsection  |

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|                       |              |  |
|-----------------------|--------------|--|
| 611.356(b)(2)(F)      | Board        | Changed "subsection (b)(2)(D) above" to "subsection (b)(2)(D) of this Section"   |
| 611.356(b)(3)(A)      | Board        | Changed "shall" to "must"  |
| 611.356(b)(3)(B)      | Board        | Changed "shall" to "must"  |
| 611.356(b)(3)(B)(i)   | Board        | Capitalized the first word of the subsection   |
| 611.356(b)(3)(B)(ii)  | Board        | Capitalized the first word of the subsection   |
| 611.356(b)(3)(B)(iii) | Board        | Capitalized the first word of the subsection   |
| 611.356(b)(4)(A)      | Board        | Changed "shall" to "must"; changed "sample(s)" to "samples"  |
| 611.356(c)            | JCAR         | Added the ending period  |
| 611.356(c)(1)         | Board        | Changed "shall" to "must"; changed "Section 611.Table D" to "Table D of this Part"; changed "subsection (d) below" to "subsection (d) of this Section" |
| 611.356(c)(2)         | Board, USEPA | Changed "subsection (d)(4) below" to "subsection (d)(4) of this Section" (twice); corrected "may" to "must";   |

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|                      |       |   |   |
|----------------------|-------|---|---|
| 611.356(d)           | JCAR  | Added the ending period   | changed "Section 611.Table D" to "Table D of this Part" |
| 611.356(d)(1)        | Board | Changed "shall" to "must"; changed "Section 611.Table E" to "Table E of this Part"  |   |
| 611.356(d)(1)(A)     | Board | Changed "shall" to "must"   |   |
| 611.356(d)(1)(B)     | Board | Changed "shall" to "must"; added "the following is true"  |   |
| 611.356(d)(1)(B)(i)  | Board | Capitalized the first word of the subsection; changed "shall" to "must"; changed "subsection (d)(2) below" to "subsection (d)(2) of this Section" |   |
| 611.356(d)(1)(B)(ii) | Board | Capitalized the first word of the subsection; changed "subsection (d)(4) below" to "subsection (d)(4) of this Section"                            |   |
| 611.356(d)(2)(A)     | Board | Changed "shall" to "must"   |   |
| 611.356(d)(2)(B)     | Board | Changed "shall" to "must"   |   |
| 611.356(d)(2)(C)     | Board | Changed "shall" to "must"   |   |



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|                       |       |  |
|-----------------------|-------|--|
| 611.356(d)(3)         | Board | Changed "shall" to "must"  |
| 611.356(d)(4)(A)      | Board | Changed "subsection (c) above" to "subsection (c) of this Section"   |
| 611.356(d)(4)(B)(i)   | Board | Changed "the Agency shall . . . allow any supplier to" to "any supplier"   |
| 611.356(d)(4)(B)(iii) | Board | Deleted former subsection (d)(4)(B)(iii) and renumbered former subsection (d)(4)(B)(iv); changed "shall" to "must"; deleted the parenthetical "by a SEP . . . 611.110"; changed "subsection (d)(4)(B)(i) determination above" to "determination under subsection (d)(4)(B)(i) of this Section" |
| 611.356(d)(4)(C)(iii) | Board | Deleted the parenthetical "by a SEP . . ."; changed "shall" to "must"; added "under subsection (d)(4)(C)(ii) of this Section"  |
| 611.356(d)(4)(D)      | Board | Changed "shall" to "must" (twice); changed "subsection (a) above" to "subsection (a) of this Section"  |

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|                      |             |   |
|----------------------|-------------|---|
| 611.356(d)(4)(F)(i)  | Board       | Changed "shall" to "must" (twice); changed "subsection (d)(3) above" to "subsection (d)(3) of this Section"; changed "subsection (c) above" to "subsection (c) of this Section"       |
| 611.356(d)(4)(F)(ii) | Board       | Changed "shall" to "must"; changed "subsection (d)(3) above" to "subsection (d)(3) of this Section"; added "must"; changed "subsection (c) above" to "subsection (c) of this Section" |
| 611.356(e)           | Board, JCAR | Changed to capitalized "this Section"; changed "shall" to "must"  |
| 611.356 Board note   | Board       | Updated the Code of Federal Regulations reference, adding the appropriate Federal Register citation   |
| 611.357 preamble     | Board       | Changed "shall" to "must"; changed "Section 611. Table G" to "Table G of this Part"   |
| 611.357(a)(1)(A)     | Board       | Changed "shall" to "must"   |
| 611.357(a)(1)(B)     | Board       | Changed "shall" to "must"; changed "point(s)" to "points"   |

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|                      |       |   |
|----------------------|-------|---|
| 611.357(a)(2)(A)     | Board | Changed "shall" to "must"; changed "subsections (b) through (e) below" to "subsections (b) through (e) of this Section"; changed "Section 611. Table E" to "Table E of this Part" |
| 611.357(a)(2)(B)(i)  | Board | Changed "shall" to "must"; changed "subsection (b) below" to "subsection (b) of this Section"   |
| 611.357(a)(2)(B)(ii) | Board | Changed "shall" to "must"; changed "subsections (c) through (e) below" to "subsections (c) through (e) of this Section"   |
| 611.357(b)(1)        | Board | Changed "shall" to "must"; changed "subsection (b)(3) below" to "subsection (b)(3) of this Section"   |
| 611.357(b)(2)        | Board | Changed "shall" to "must"; changed "subsection (b)(3) below" to "subsection (b)(3) of this Section"   |
| 611.357(b)(3)(B)     | Board | Capitalized the first word in the subsection  |
| 611.357(b)(3)(C)     | Board | Capitalized the first word in the subsection  |

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|                  |       |   |
|------------------|-------|---|
| 611.357(b)(3)(D) | Board | Capitalized the first word in the subsection  |
| 611.357(b)(3)(E) | Board | Capitalized the first word in the subsection  |
| 611.357(b)(3)(F) | Board | Capitalized the first word in the subsection  |
| 611.357(b)(3)(G) | Board | Capitalized the first word in the subsection  |
| 611.357(c)(1)    | Board | Changed "shall" to "must"; changed "subsections (c)(3) and (c)(4) below" to "subsections (c)(4) and (c)(5) of this Section" |
| 611.357(c)(2)    | Board | Changed "shall" to "must"; changed "subsections (c)(3) and (c)(4) below" to "subsections (c)(4) and (c)(5) of this Section" |
| 611.357(c)(4)    | Board | Renumbered the subsection to accommodate the addition of new subsection (c)(3)  |
| 611.357(c)(4)(B) | Board | Capitalized the first word in the subsection  |
| 611.357(c)(4)(C) | Board | Capitalized the first word in the subsection  |

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|                  |       |   |
|------------------|-------|---|
| 611.357(c)(4)(D) | Board | Capitalized the first word in the subsection  |
| 611.357(c)(4)(E) | Board | Capitalized the first word in the subsection  |
| 611.357(c)(5)    | Board | Renumbered the subsection to accommodate the addition of new subsection (c)(3)  |
| 611.357(c)(5)(B) | Board | Capitalized the first word in the subsection  |
| 611.357(c)(5)(C) | Board | Capitalized the first word in the subsection  |
| 611.357(d)(1)    | Board | Changed "shall" to "must"; changed "subsection (c) above" to "subsection (c) of this Section"   |
| 611.357(d)(2)    | Board | Changed "shall" to "must"   |
| 611.357(e)(1)    | Board | Changed "subsection (d) above" to "subsection (d) of this Section"; changed "point(s)" to "points"; changed "shall" to "must"; changed "subsection (c)(4) above" to "subsection (c)(4) of this Section"; changed "Section 611. Table E" to "Table E of this part" |

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|                      |             |  |
|----------------------|-------------|--|
| 611.357(e)(2)(A)     | Board       | Changed the subsection language of "stages" to "staged reductions in monitoring frequency"   |
| 611.357(e)(2)(A)(i)  | Board       | Changed "subsection (e)(1) above" to "subsection (e)(1) of this Section"   |
| 611.357(e)(2)(A)(ii) | Board       | Changed "subsection (e)(2)(A)(i) above" to "subsection (e)(2)(A)(i) of this Section"; changed "subsection (e)(1) above" to "subsection (e)(1) of this Section" |
| 611.357(f)           | Board, JCAR | Changed to capitalized "this Section"; changed "shall" to "must"   |
| 611.357 Board note   | Board       | Updated the Code of Federal Regulations reference, adding the appropriate Federal Register citation  |
| 611.358(a)(1)        | Board       | Changed "shall" to "must"  |
| 611.358(a)(2)(A)     | Board       | Changed "shall" to "must"  |
| 611.358(a)(2)(B)     | Board       | Changed "shall" to "must"  |
| 611.358(a)(2)(B)(i)  | Board       | Changed "shall" to "must"  |

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|                      |       |   |
|----------------------|-------|---|
| 611.358(a)(2)(B)(ii) | Board | Changed "shall" to "must"   |
| 611.358(b)           | Board | Changed "shall" to "must"   |
| 611.358(c)           | Board | Changed "shall" to "must"   |
| 611.358(d)(1)        | Board | Changed "shall" to "must"; changed "subsection (d)(1)(A) or (d)(1)(B) below" to "subsection (d)(1)(A) or (d)(1)(B) of this Section" |
| 611.358(d)(1)(A)(i)  | Board | Changed "subsection (d)(1) above" to "subsection (d)(1) of this Section"; changed "shall" to "must"                                 |
| 611.358(d)(1)(A)(ii) | Board | Changed "subsection (d)(1) above" to "subsection (d)(1) of this Section"; changed "shall" to "must"                                 |
| 611.358(d)(1)(B)     | Board | Changed "shall" to "must"   |
| 611.358(d)(2)        | Board | Changed "subsection (d)(1)(A) or (d)(1)(B) above" to "subsection (d)(1)(A) or (d)(1)(B) of this Section"                            |
| 611.358(e)(3)        | Board | Changed "subsection (d)(1) above" to "subsection (d)(1) of this Section"  |

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|                    |             |  |
|--------------------|-------------|--|
| 611.358 Board note | Board       | Updated the Code of Federal Regulations reference, adding the appropriate Federal Register citation                              |
| 611.359 preamble   | Board       | Changed "shall" to "must"  |
| 611.359(a)         | Board       | Changed "shall" to "must"; added "do the following"  |
| 611.359(b)         | Board       | Changed "shall" to "must"  |
| 611.359 Board note | Board       | Updated the Code of Federal Regulations reference, adding the appropriate Federal Register citation                              |
| 611.360 preamble   | Board       | Changed "shall" to "must"  |
| 611.360(a)         | Board       | Added a comma to offset the final element of a series  |
| 611.360(a)(1)      | Board, JCAR | Changed "shall" to "must"; changed to written "ten"; changed to written "six-months" to "six months"; changed to written "three" |
| 611.360(a)(1)(A)   | Board       | Capitalized the first word of the subsection   |
| 611.360(a)(1)(C)   | Board       | Inserted explanatory language where USEPA removed a  |

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|                  |       |   |
|------------------|-------|---|
| 611.360(a)(1)(D) | Board | provision, in order to maintain structural consistency                  |
| 611.360(a)(1)(E) | Board | Capitalized the first word of the subsection                            |
| 611.360(a)(1)(F) | Board | Capitalized the first word of the subsection; changed "shall" to "must" |
| 611.360(a)(1)(G) | Board | Capitalized the first word of the subsection                            |
| 611.360(b)(1)    | Board | Changed "shall" to "must"; changed to written "ten"                     |
| 611.360(b)(2)    | Board | Changed "shall" to "must"   |
| 611.360(c)       | Board | Changed "shall" to "must"   |
| 611.360(c)(1)    | Board | Capitalized the first word of the subsection                            |
| 611.360(c)(2)    | Board | Capitalized the first word of the subsection                            |
| 611.360(c)(3)    | Board | Capitalized the first word of the subsection                            |

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|                  |             |   |
|------------------|-------------|---|
| 611.360(c)(4)    | Board       | Capitalized the first word of the subsection  |
| 611.360(d)       | Board       | Changed "shall" to "must"   |
| 611.360(d)(1)    | Board       | Capitalized the first word of the subsection  |
| 611.360(d)(2)    | Board       | Capitalized the first word of the subsection  |
| 611.360(e)       | Board       | Changed "shall" to "must"   |
| 611.360(e)(1)    | Board       | Changed "shall" to "must"   |
| 611.360(e)(1)(A) | Board       | Capitalized the first word of the subsection  |
| 611.360(e)(1)(B) | Board       | Capitalized the first word of the subsection  |
| 611.360(e)(1)(C) | Board       | Capitalized the first word of the subsection; changed to written "seven"              |
| 611.360(e)(2)    | Board       | Changed "shall" to "must"; changed "has either" to "has done either of the following" |
| 611.360(e)(2)(A) | Board       | Capitalized the first word of the subsection; changed to written "seven"              |
| 611.360(e)(2)(B) | Board, JCAR | Capitalized the first word of the subsection;   |



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|                    |       |   |
|--------------------|-------|---|
| 611.360(e)(2)(C)   | Board | corrected "an individual lines" to "individual lines"; changed "line(s)" to "lines"   |
| 611.360(e)(2)(C)   | Board | Changed "subsection (e)(2)(B) above" to "subsection (e)(2)(B) of this Section"; changed "shall" to "must"; changed to written "seven"; changed "subsection (a) above" to "subsection (a) of this Section" |
| 611.360(e)(3)      | Board | Changed "subsection (e)(2) above" to "subsection (e)(2) of this Section"; changed "shall" to "must"   |
| 611.360(e)(3)(A)   | Board | Capitalized the first word of the subsection  |
| 611.360(e)(3)(B)   | Board | Capitalized the first word of the subsection  |
| 611.360(e)(3)(C)   | Board | Capitalized the first word of the subsection  |
| 611.360(g)         | Board | Changed "shall" to "must"; changed "period(s)" to "periods"   |
| 611.360 Board note | Board | Updated the Code of Federal Regulations reference, adding the appropriate   |

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|                    |       |   |
|--------------------|-------|---|
| 611.383(b)(1)(B)   | Board | Changed "shall" to "must"; changed "which" to "that"  |
| 611.383(b)(2)      | Board | Corrected the cross-reference to "Section 611.382(b)(3)"; changed "shall" to "must"   |
| 611.383(b)(3)      | Board | Changed "shall" to "must"   |
| 611.383(c)(1)(A)   | Board | Changed "shall" to "must"   |
| 611.383(c)(2)(A)   | Board | Changed "shall" to "must" (three times)   |
| 611.383(c)(2)(B)   | Board | Changed "shall" to "must" (three times)   |
| 611.383 Board note | Board | Added a Board note indicating the Code of Federal Regulations source of this provision, including the appropriate Federal Register citation |
| 611.527(a)         | Board | Changed "which" to "that"; changed "shall" to "must"  |
| 611.527(b)         | Board | Changed "which" to "that"; changed "shall" to "must"  |
| 611.527 Board note | Board | Updated the Code of Federal Regulations source of this  |

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|                    |             |  |
|--------------------|-------------|--|
| 611.560(a)         | Board       | provision, including the Federal Register citation for later amendments  |
| 611.560(b)         | Board       | Changed "shall" to "must"  |
| 611.560 Board note | Board       | Changed "shall" to "must" (twice)  |
|                    |             | Updated the Code of Federal Regulations source of this provision, including the Federal Register citation for later amendments |
| 611.606(a)         | Board       | Changed "shall" to "must"  |
| 611.606(b)         | Board       | Changed "shall" to "must"  |
| 611.606(b)(1)      | USEPA, JCAR | Removed parenthetical "based on the initial sample"; added "immediately"   |
| 611.606(c)         | Board       | Changed "shall" to "must"  |
| 611.606 Board note | Board       | Updated the Code of Federal Regulations reference, adding the appropriate Federal Register citation                            |
| 611.612(a)(3)      | Board       | Changed "this subsection" to "this subsection (a)(3)"; updated the Code of Federal   |

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|               |       |   |
|---------------|-------|---|
| 611.612(a)(4) | Board | Regulations counterpart for this provision; changed "U.S. EPA" to "USEPA" (twice)   |
|               |       | Changed "this subsection" to "this subsection (a)(4)"; updated the Code of Federal Regulations counterpart for this provision; changed "U.S. EPA" to "USEPA"                                |
| 611.612(b)    | Board | Changed "subsection (a) above" to "subsection (a) of this Section"; changed "shall" to "must"   |
| 611.612(c)    | Board | Changed "subsection (b) above" to "subsection (b) of this Section"; changed "shall" to "must"   |
| 611.612(d)    | Board | Changed "this subsection" to "this subsection (d)"; added the date to the citation to the Code of Federal Regulations counterpart for this provision; changed "U.S. EPA" to "USEPA" (twice) |
| 611.612(e)    | Board | Changed "this subsection" to "this subsection (d)"; added the   |

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

date to the citation to the Code of Federal Regulations counterpart for this provision; changed "U.S. EPA" to "USEPA"

611.612(f)(1)

Board

Changed "subsections (a) through (f) above" to "subsections (a) through (f) of this Section";

611.612 Board note

Board

Changed "shall" to "must"; updated the Code of Federal Regulations source of this provision, including the Federal Register citation for later amendments (twice); changed "U.S. EPA" to "USEPA" (twice); changed "subsection (f)(2) above" to "subsection (f)(2) of this Section"; changed "subsections (f)(2) through (f)(4) above" to "subsections (f)(2) through (f)(4) of this Section"; changed "subsections (f)(1), (f)(2), and (f)(4) above" to "subsections (f)(1), (f)(2), and (f)(4) of this Section"; changed "subsections (a) through (e) above"

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

to "subsections (a) through (e) of this Section"; changed "subsection (f) above" to "subsection (f) of this Section"

611.646(a) "detect"

Board

Moved the period inside the closing quotation marks

611.646(a) "detection limit" Board note

Board

Updated the Code of Federal Regulations source of this provision, including the Federal Register citation for later amendments; moved the period inside the closing quotation marks (twice)

611.646(a)

"method Board

detection limit"

Moved the comma inside the closing quotation marks; changed "subsections (q) and (t) below" to "subsections (q) and (t) of this Section"

611.646(a)

"method Board

detection limit" Board note

Updated the Code of Federal Regulations source of this provision; changed "subsection (u) below" to "subsection (u) of this Section"

611.646(b)

Board

Changed "shall" to "must"; changed "subsection (t) below" to

## POLLUTION CONTROL BOARD

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

## NOTICE OF ADOPTED AMENDMENTS

|               |            |  |                       |       |   |
|---------------|------------|--|-----------------------|-------|---|
| 611.646(c)(1) | Board      | "subsection (t) of this Section"   | 611.646(g)            | Board | Changed "subsection (d) above" to "subsection (d) of this Section" (twice); changed "subsection (e) or (f) above" to "subsection (e) or (f) of this Section"; deleted "pursuant to Section 611.110"   |
| 611.646(c)(2) | Board      | Changed "SEP" to "a SEP granted pursuant to section 611.110"; changed "shall" to "must"  |                       |       |   |
| 611.646(c)(3) | Board      | Changed "shall" to "must"; added "pursuant to Section 611.110"   | 611.646(g) Board note | Board | Updated the Code of Federal Regulations source of this provision; deleted "below"; changed "subsections (i) and (j) below" to "subsections (i) and (j) of this Section"; moved the comma inside the closing quotation marks; changed "subsection (a) above" to "subsection (a) of this Section" |
| 611.646(c)(4) | Board      | Changed "shall" to "must"  |                       |       |   |
| 611.646(c)    | Board note | Changed "subsections (b) and (c) above" to "subsections (b) and (c) of this Section"; updated the Code of Federal Regulations source of this provision | 611.646(h)            | Board | Changed "shall" to "must"; changed "subsections (d), (e), or (f) above" to "subsection (d), (e), or (f) of this Section"; changed "subsection (g) above" to "subsection (g) of this Section"  |
| 611.646(d)    | Board      | Changed "shall" to "must"  |                       |       |   |
| 611.646(e)    | Board      | Changed "subsection (r)(1) below" to "subsection (r)(1) of this Section"; changed "shall" to "must"  |                       |       |   |
| 611.646(f)    | Board      | Changed "shall" to "must"  | 611.646(i)            | Board | Changed "subsection (g) above" to "subsection (g) of this Section" (three times);   |

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

changed "subsection (d) above" to "subsection (d) of this Section" (twice); changed "shall" to "must" (twice); changed "subsection (h) above" to "subsection (h) of this Section"

611.646(i)(1) Board Removed an unnecessary comma at the end of the subsection

611.646(i) Board note Changed "this provision" to "subsection (i) of this Section"

611.646(j)(1) Board Added "to Section 611.110"; changed "subsection (g) above" to "subsection (g) of this Section"

611.646(j) Board note Updated the Code of Federal Regulations source of this provision (twice); changed "subsection (g) above" to "subsection (g) of this Section"; changed "subsection (j) above" to "subsection (j) of this Section"; changed "subsection (i) above" to "subsection (i) of this Section"

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

611.646(k) Board Changed "Phase I VOCs, excluding vinyl chloride, Phase II, or Phase V VOCs" to "Phase I VOCs, excluding vinyl chloride; a Phase II VOC; or a Phase V VOC"

611.646(k)(1) Board Changed "shall" to "must"

611.646(k)(2)(A) Board Changed "shall" to "must"

611.646(k)(2)(C) Board Changed "shall" to "must" (twice); changed "subsection (k)(1) above" to "subsection (k)(1) of this Section"

611.646(k)(3) Board Changed "shall" to "must"; changed "quarter(s)" to "quarters"

611.646(k)(4) Board Changed "subsection (g) above" to "subsection (g) of this Section"

611.646(k)(5) Board Changed "subsection (k)(5)(A) below" to "subsection (k)(5)(A) of this Section"; changed "subsection (k)(5)(B) below" to "subsection (k)(5)(B) of this Section"; changed "subsection (k)(5)(C) below" to "subsection (k)(5)(C) of this Section"



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|                  |       |   |                       |       |  |
|------------------|-------|---|-----------------------|-------|--|
| 611.646(k)(5)(B) | Board | Changed "shall" to "must"; changed "subsection (k)(5)(A) above" to "subsection (k)(5)(A) of this Section"   | 611.646(m)(3)         | Board | Changed "shall" to "must"  |
| 611.646(k)(5)(C) | Board | Changed "shall" to "must"; changed "subsection (k)(5)(B) above" to "subsection (k)(5)(B) of this Section"   | 611.646(n)            | Board | Changed "this subsection" to "this subsection (n)"; updated the Code of Federal Regulations source of this provision |
| 611.646(l)(1)    | Board | Changed "subsection (o) below" to "subsection (o) of this Section"; changed "shall" to "must"               | 611.646(o)(1)(C)      | Board | Changed "shall" to "must"  |
| 611.646(l)(2)(A) | Board | Changed "shall" to "must"   | 611.646(p) Board note | Board | Changed "this provision" to "this subsection (p)"; updated the Code of Federal Regulations source of this provision  |
| 611.646(l)(2)(C) | Board | Changed "shall" to "must" (twice); changed "subsection (1)(1) above" to "subsection (1)(1) of this Section" | 611.646(q)(1)(B)      | Board | Changed "subsections (q)(1)(C) and (q)(1)(D) below" to "subsections (q)(1)(C) and (q)(1)(D) of this Section"         |
| 611.646(l)(2)(D) | Board | Changed "shall" to "must"; changed "quarter(s)" to "quarters"   | 611.646(q)(1)(C)      | Board | Changed "subsection (q)(1)(A) above" to "subsections (q)(1)(A) of this Section"                                      |
| 611.646(m)(1)    | Board | Changed "shall" to "must"   | 611.646(q)(1)(D)      | Board | Changed "subsection (q)(1)(A) above" to "subsections (q)(1)(A) of this Section"                                      |
| 611.646(m)(2)    | Board | Changed "subsection (o) below" to "subsection (o) of this Section"  | 611.646(q)(2)(B)      | Board | Changed "subsection (q)(2)(A) above" to "subsections (q)(2)(A) of this Section"                                      |

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|                              |       |  |
|------------------------------|-------|--|
| 611.646(q)(2)(D)             | Board | Changed "subsection (q)(1) above" to "subsections (q)(1) of this Section"  |
| 611.646(r)(1)                | Board | Changed "shall" to "must"  |
| 611.646(r)(2)                | Board | Changed "shall" to "must"; changed "subsection (r)(1) above" to "subsections (r)(1) of this Section"                           |
| 611.646(s)                   | Board | Changed "SEP" to "a SEP issued pursuant to Section 611.110"  |
| 611.646(t)                   | Board | Changed "subsection (q)(1) or (q)(2) above" to "subsections (q)(1) or (q)(2) of this Section"                                  |
| 611.646(u)                   | Board | Changed "shall" to "must"  |
| 611.646 Board note           | Board | Updated the Code of Federal Regulations source of this provision, including the Federal Register citation for later amendments |
| 611.648(a) preamble          | Board | Added "the following . . . meanings"   |
| 611.648(a) "detection limit" | Board | Changed "subsection (r) below" to "subsection (r) of this Section"   |

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|   |       |   |
|---|-------|---|
| 611.648(a) "detection limit" Board note | JCAR  | Changed capitalized "this Section"  |
| 611.648(b)                              | Board | Changed "shall" to "must"; changed "subsection (q) below" to "subsection (q) of this Section"   |
| 611.648(c)(1)                           | Board | Changed "shall" to "must"   |
| 611.648(c)(2)                           | Board | Changed "shall" to "must"   |
| 611.648(c)(3)                           | Board | Changed "shall" to "must"   |
| 611.648(c)(4)                           | Board | Changed "shall" to "must"   |
| 611.648(c) Board note                   | Board | Changed "subsections (b) and (c) above" to "subsections (b) and (c) of this Section"; updated the Code of Federal Regulations reference |
| 611.648(d)                              | Board | Changed ending punctuation to a period  |
| 611.648(d)(1)                           | Board | Changed "shall" to "must"   |
| 611.648(d)(2)                           | Board | Removed the comma from between "period" and "must"; changed "shall" to "must"   |

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|                  |       |   |                      |       |   |
|------------------|-------|---|----------------------|-------|---|
| 611.648(d)(3)    | Board | Changed "less" to "fewer"; removed the comma from between "period" and "must"; changed "shall" to "must"  | 611.648(g)(4)        | Board | Changed "subsections (e) and (f) above" to "subsections (e) and (f) of this Section"                        |
| 611.648(e)       | Board | Changed "subsection (d) above" to "subsection (d) of this Section" (twice); changed "shall" to "must"   | 611.648(g)(5)(A)     | Board | Changed "subsection (g)(5)(B) below" to "subsection (g)(5)(B) of this Section"; changed "shall" to "must"   |
| 611.648(f)       | Board | Changed to lower-case "assessment"; changed "shall" to "must"; changed "subsection (d) above" to "subsection (d) of this Section"                 | 611.648(g)(5)(B)(i)  | Board | Capitalized the first word of the subsection  |
| 611.648(g)       | Board | Added "the following must occur"  | 611.648(g)(5)(B)(ii) | Board | Capitalized the first word of the subsection  |
| 611.648(g)(1)    | Board | Changed "shall" to "must"   | 611.648(h)(1)        | Board | Changed "subsection (k) below" to "subsection (k) of this Section"; changed "shall" to "must"               |
| 611.648(g)(2)(C) | Board | Changed "shall" to "must"   | 611.648(h)(2)(C)     | Board | Changed "shall" to "must"   |
| 611.648(g)(2)(D) | Board | Changed "shall" to "must" (twice); added a missing period after "based"; changed "subsection (g)(1) above" to "subsection (g)(1) of this Section" | 611.648(h)(2)(D)     | Board | Changed "shall" to "must" (twice); changed "subsection (h)(1) above" to "subsection (h)(1) of this Section" |
| 611.648(g)(3)    | Board | Changed "shall" to "must"; changed "quarter(s)" to "quarters"   | 611.648(h)(2)(E)     | Board | Changed "shall" to "must"   |
|                  |       |   | 611.648(i)(1)        | Board | Changed "shall" to "must"   |
|                  |       |   | 611.648(i)(2)        | Board | Changed "subsection (k) below" to "subsection (k) of  |

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

611.648(i)(3) Board this Section"  
Changed "shall" to  
"must"

611.648(j) JCAR "this  
subsection" to  
"this subsection  
(j)"

611.648(k) Board Inserted  
explanatory  
language where  
USEPA removed a  
provision, in order  
to maintain  
structural  
consistency

611.648(l) Board Changed "provision"  
to "subsection  
(l)"; updated the  
Code of Federal  
Regulations  
reference

611.648(m)(1) Board Changed "shall" to  
"must"

611.648(m)(2) Board Changed "shall" to  
"must"

611.648(n)(1) Board Changed "shall" to  
"must"

611.648(n)(2) Board Changed "shall" to  
"must"; changed  
"subsection (n)(1)  
above" to  
"subsection (n)(1)  
of this Section"

611.648(o) Board Changed "shall" to  
"must"

611.648(p) JCAR Changed "this  
subsection" to  
"this subsection

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

611.648(q) Board (p); changed to  
capitalized  
"State"; changed to  
capitalized  
"State's"

611.648(r)(2) Board Changed "shall" to  
"must"

611.648(s) JCAR Changed the generic  
name to lower-cased  
"silvex"

611.648(s)(2) JCAR, Board Changed to  
lower-case  
"certification"

611.648(s)(2)(B) JCAR, Board Added a comma after  
"SOCs" to offset a  
parenthetical;  
changed "must" to  
"must do the  
following"

611.648(s)(2)(B) JCAR, Board Changed "subsection  
(s)(2)(A) above" to  
"subsection  
(s)(2)(A) of this  
Section"; changed  
"the acceptance  
limits in  
subsection  
(s)(2)(C) of this  
Section" to "the  
following  
acceptance limits";  
changed the ending  
punctuation from a  
period to a colon;  
removed the heading  
from former  
subsection  
(s)(2)(C) and  
merged the two  
subsections;  
changed to  
lower-case  
"decachlorobiphenyl";

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

changed the genericname to lower-cased "silvex"; changed "subsection (s)(2)(C) below" to "subsection (s)(2)(C) of this Section"

611.648 Board note

Board

Updated the Code of Federal Regulations reference, adding the appropriate Federal Register citation

611.684

Board, USEPA

Changed "shall" to "must"; corrected the cross-reference to "Subpart V of this part"

611.684 Board note

Board

Updated the Code of Federal Regulations source of this provision, including the Federal Register citation for later amendments

611.731(c)

Board

Changed "shall" to "must"; changed "subsection (a)" to "subsection (a) of this Section" (three times)

611.731(c)(1)

Board

Changed "which" to "that"

611.731(c)(2)

Board

Changed "shall" to "must"; changed "subsection (a)" to "subsection (a) of this Section";

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

changed "which" to "that"

611.731(c)(4)

Board

Changed "which" to "that"; changed "subsection (a)" to "subsection (a) of this Section"

611.731(c)(5)

Board

Changed "shall" to "must"

611.731(d)

Board, USEPA

Changed "shall" to "must"; corrected the cross-reference to "Subpart V of this part"

611.731 Board note

Board

Updated the Code of Federal Regulations source of this provision, including the Federal Register citation for later amendments

611.732(a)(3)

Board

Changed "subsection (d)" to "subsection (d) of this Section"

611.732(c)

Board

Changed "shall" to "must"; changed "subsection (a)" to "subsection (a) of this Section"

611.732(d)(1)

Board

Corrected the spelling of "constituents"

611.732(e)

Board, USEPA

Changed "shall" to "must"; corrected the cross-reference to "Subpart V of this



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|                    |             |   |
|--------------------|-------------|---|
| 611.732 Board note | Board       | Updated the Code of Federal Regulations source of this provision, including the Federal Register citation for later amendments                            |
| 611.745 preamble   | Board       | Changed "shall" to "must" (twice)   |
| 611.745(a)         | Board       | Added commas to offset a parenthetical "as required . . . 611.743"; added "the following"   |
| 611.745(b)         | Board       | Changed "shall" to "must" (three times)   |
| 611.745(b)(1)      | Board, JCAR | Changed "shall" to "must" (twice); changed "date(s)" to "dates"; changed "within seven days of . . ." to "within seven days after . . ."                  |
| 611.745(b)(2)      | Board, JCAR | Changed "shall" to "must" (twice); changed "date(s)" to "dates"   |
| 611.745(b)(3)      | Board       | Changed "shall" to "must" (twice); changed "date(s)" to "dates"; changed "within 14 days of . . ." to "within 14 days after . . ."; changed to hyphenated |

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|                    |       |   |
|--------------------|-------|---|
| 611.745(b)(4)      | Board | "self-assessment"   |
|                    |       | Changed "shall" to "must" (twice); changed "date(s)" to "dates"   |
| 611.745 Board note | Board | Added the Code of Federal Regulations reference, with the appropriate Federal Register citation Subpart T heading Board Removed "public notification" |
| 611.840(a)         | Board | Changed "shall" to "must"   |
| 611.840(b)         | Board | Changed "shall" to "must"   |
| 611.840(d)         | JCAR  | Changed "within 10 days of . . ." to "within 10 days after . . ."   |
| 611.840(e)         | Board | Changed "shall" to "must"   |
| 611.840 Board note | Board | Updated the Code of Federal Regulations reference, adding the appropriate Federal Register citation   |
| 611.860 preamble   | Board | Changed "shall" to "must"   |
| 611.860(a)         | Board | Changed to written "five" and "ten"   |
| 611.860(b)         | Board | Changed to written "three"  |

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|                    |             |  |
|--------------------|-------------|--|
| 611.860(c)         | Board       | Changed "U.S. EPA" to "USEPA"; changed to written "ten"  |
| 611.860(d)         | Board       | Changed to written "five"  |
| 611.860(e)         | Board       | Changed "primacy agency" to "Agency"   |
| 611.860 Board note | Board       | Updated the Code of Federal Regulations reference, adding the appropriate Federal Register citation                            |
| 611.881(d)         | Board, JCAR | Added "the following"; changed commas to semicolons to separate the elements of a series that contains subseries (three times) |
| 611.881 Board note | Board       | Added the Code of Federal Regulations reference, with the appropriate Federal Register citation                                |
| 611.883(a)         | Board       | Changed "shall" to "must"  |
| 611.883(b)         | Board       | Changed ending punctuation to a period   |
| 611.883(b)(1)      | Board       | Changed "source(s)" to "sources"; added "the following"  |
| 611.883(b)(1)(A)   | Board       | Removed a colon; placed the example clause "e.g., . . . groundwater" in  |

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|                          |       |  |
|--------------------------|-------|--|
| 611.883(c)(1)(A) note    | Board | Added parentheses  |
| 611.883(c)(2) Board note | Board | Added an explanation of the retention of the definition of "MCLG"                                |
| 611.883(c)(3)(A)         | JCAR  | Placed the required definition language "variances, . . . certain conditions" in quotation marks |
| 611.883(c)(3)(B)         | JCAR  | Changed to lower-cased "technique"   |
| 611.883(c)(3)(C) note    | Board | Changed to lower-cased "level"   |
| 611.883(d)(1)            | Board | Added an explanation of the retention of the definition of "MRDLG"                               |
| 611.883(d)(3)            | Board | Added following requirements also apply  |
| 611.883(d)(3)(A)         | Board | Changed "table(s)" to "tables"   |
| 611.883(d)(4)            | Board | Changed "table(s)" to "tables"; added "the following"  |
| 611.883(d)(4)(A)         | JCAR  | Changed "as provided" to "as provided in"  |
| 611.883(d)(4)(D)(i)      | Board | Changed to lower case "the"  |

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|                          |       |       |  |
|--------------------------|-------|-------|--|
| 611.883(d)(4)(D)<br>note | Board | Board | Updated the Code of Federal Regulations reference                                |
| 611.883(d)(4)(E)         | Board |       | Added "the following"  |
| 611.883(d)(4)(E)(i)      | Board |       | Changed to lower case "the"  |
| 611.883(d)(4)(E)(ii)     | Board |       | Changed to lower-cased "the" (the first appearance)                              |
| 611.883(d)(4)(E)(iii)    | Board |       | Changed to lower case "the" (twice)  |
| 611.883(d)(4)(F)         | Board |       | Added "the following"  |
| 611.883(d)(4)(G)         | Board |       | Added "the following"  |
| 611.883(d)(4)(H)         | Board |       | Added "the following"  |
| 611.883(d)(4)(I)         | Board |       | Changed "source(s)" to "sources"   |
| 611.883(d)(6)            | Board |       | Changed "table(s)" to "tables"; added "the following"; changed "shall" to "must" |
| 611.883(d)(7)            | Board |       | Changed "table(s)" to "tables"   |
| 611.883(e)(1)            | Board |       | Changed "Subpart L" to "Subpart I of this Part"; added "the following"           |
| 611.883(e)(2)            | Board |       | Added "the following"  |

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|                    |       |   |
|--------------------|-------|---|
| 611.883(e)(3)      | Board | Added "the following"   |
| 611.883(f)(4)      | Board | Changed "611. Appendix A of this Part" to "611. Appendix A of this Part"                        |
| 611.883(g)         | Board | Added "the following"   |
| 611.883(h)         | Board | Changed the ending punctuation to a period  |
| 611.883(h)(1)(B)   | Board | Added "the following"   |
| 611.883(h)(3)      | Board | Changed "language(s)" to "languages"  |
| 611.883 Board note | Board | Added the Code of Federal Regulations reference, with the appropriate Federal Register citation |
| 611.884(a)         | JCAR  | Corrected "Center for Disease Control" to "Centers for Disease Control and Prevention"          |
| 611.884(b)         | Board | Added "must do the following"   |
| 611.884(b)(1)      | Board | Added "the CWS"; changed "shall" to "must"  |
| 611.884(b)(2)      | Board | Added "the CWS may"   |
| 611.884(c)         | Board | Added "must do the following"   |

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|                    |             |  |
|--------------------|-------------|--|
| 611.884(c)(1)      | Board       | Added "the CWS"; changed "shall" to "must"   |
| 611.884(c)(2)      | Board       | Added "the CWS may"  |
| 611.884(d)         | Board       | Changed to written "five percent" and "ten percent"; added "must do the following"   |
| 611.884(d)(1)      | Board       | Added "the CWS"; changed "shall" to "must"; changed to written "two"   |
| 611.884(d)(2)      | Board       | Added "the CWS"  |
| 611.884(e)         | Board       | Changed "shall" to "must"; changed "Appendix H(73)" to "Appendix A of this Part"   |
| 611.884 Board note | Board       | Added the Code of Federal Regulations reference, with the appropriate Federal Register citation  |
| 611.885(a)         | Board       | Changed "shall" to "must"  |
| 611.885(b)         | JCAR, Board | Changed "shall" to "must"; changed "using means recommended by the Agency" to "using a means approved by the Agency by a SEP granted pursuant to Section 611.110"; added "the following" |
| 611.885(c)         | Board       | Changed "shall" to "must"  |

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|                    |             |  |
|--------------------|-------------|--|
| 611.885(d)         | Board       | Changed "shall" to "must"  |
| 611.885(e)         | Board       | Changed "shall" to "must"  |
| 611.885(f)         | Board       | Changed "shall" to "must"  |
| 611.885(g)(1)      | Board       | Changed "shall" to "must"; added "do the following"  |
| 611.885(g)(1)(A)   | Board       | Added "the CWS must"   |
| 611.885(g)(1)(B)   | Board       | Added "the CWS must"   |
| 611.885(g)(1)(C)   | Board       | Added "the CWS must"   |
| 611.885(g)(2)      | JCAR, Board | Added "by" before "door-to-door"; added a comma after "delivery" to offset the final element of a series |
| 611.885(h)         | Board       | Changed "shall" to "must"  |
| 611.885 Board note | Board       | Added the Code of Federal Regulations reference, with the appropriate Federal Register citation          |
| 611.901(a)         | JCAR        | Changed "a NTNCWSs" to "an NTNCWS"; changed "a NPDWR" to "an NPDWR"                                      |
| 611.901(b)         | JCAR        | Corrected the cross-reference to "subsection (a) of this Section"  |

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|                  |                     |   |    |
|------------------|---------------------|---|----|
| 611.902(a)(6)    | JCAR                | Changed<br>capitalized<br>"Rule"  | to |
| 611.903(b)(1)    | JCAR                | Changed<br>past-tense "issued"  | to |
| 611.904(c)(1)(B) | JCAR, USEPA,        | Agency Corrected<br>the spelling of<br>"following"  | of |
| 611.905(a)       | JCAR                | Changed "a NPDWR"<br>to "an NPDWR"  |    |
| 611.905(c)(2)(A) | JCAR, Agency, USEPA | Added an indefinite<br>article to "for a<br>PWS"; removed the<br>parenthetical "by a<br>SEP issued . . ."                 |    |
| 611.906(b)       | USEPA               | Added missing "the<br>violation" as an<br>element of a series<br>separated by a<br>comma                                  |    |
| 611.907(a)       | JCAR                | Changed "a NTNCWS"<br>to "an NTNCWS"  |    |
| 611.907(b)       | JCAR                | Changed "Secs." to<br>"Sections"  |    |
| 611.908(a)       | USEPA, JCAR         | Added<br>the abbreviation "SMCL"<br>in parentheses;<br>changed "mg/l" to<br>the defined<br>abbreviation "mg/L"<br>(twice) |    |
| 611.908(c)       | JCAR, Board         | Changed "mg/l" to<br>the defined<br>abbreviation "mg/L"<br>(twice)  |    |
| 611.909(b)       | JCAR                | Changed "mg/l" to<br>the defined<br>abbreviation "mg/L"   |    |

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|   |               |   |    |
|---|---------------|---|----|
| 611.910(a)                                      | JCAR          | Changed<br>capitalized<br>"Subpart"   | to |
| 611.Appendix A<br>emitters"                     | A "alpha JCAR | Changed "pci/l" to<br>the defined<br>abbreviation<br>"pCi/L" (twice)                      |    |
| 611.Appendix A "combined<br>radium"             | JCAR          | Changed "pCi/l" to<br>the defined<br>abbreviation<br>"pCi/L" (twice)                      |    |
| 611.Appendix<br>"benzo(a)pyrene"                | A JCAR        | Changed to the<br>defined<br>abbreviation<br>"nanograms/L"                                |    |
| 611.Appendix<br>"pCi/L"                         | A JCAR        | Changed "pCi/l" to<br>the defined<br>abbreviation<br>"pCi/L"                              |    |
| 611.Appendix<br>abbreviations listing,<br>"ppm" | A JCAR        | Changed "mg/l" to<br>the defined<br>abbreviation "mg/L"                                   |    |
| 611.Appendix<br>abbreviations listing,<br>"ppb" | A JCAR        | Changed "g/l" to<br>the defined<br>abbreviation and<br>corrected it to<br>"mg/L"          |    |
| 611.Appendix E heading                          | Board         | Added<br>"for<br>community water<br>systems" to reflect<br>the scope of the<br>provision  |    |
| 611.Appendix E (1)                              | Board         | Changed "EPA" to<br>"USEPA" (twice)   |    |
| 611.Appendix E (2)                              | Board         | Added a comma to<br>offset the final<br>element of a series<br>after "red blood<br>cells" |    |



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|                          |               |   |  |
|--------------------------|---------------|---|--|
| 611.Appendix E (4)(D)    | Board         | Added "the following"   |  |
| 611.Appendix E (2)       | JCAR, Board   | Changed commas to semicolons to separate the elements of a series that contains a sub-series (six times); separated the elements of the sub-series with commas (twice)                          |  |
| 611.Appendix E (4)(E)    | JCAR          | Moved the closing period inside the bracket   |  |
| 611.Appendix (4)(B)(ii)  | E JCAR, Board | Removed an unnecessary comma from after "with"  |  |
| 611.Appendix (4)(B)(iv)  | E JCAR        | Replaced the bracketed text "insert . . . your State" with "the Illinois Environmental Protection Agency"   |  |
| 611.Appendix (4)(D)(iii) | E JCAR        | Replaced the bracketed text "insert . . . Public Health" with "the Illinois Department of Public Health"; replaced the bracketed text "insert phone number" with "217-782-4977 or 312-814-2608" |  |
| 611.Appendix F (1)       | JCAR, USEPA   | Corrected "this facility" to "this facility"  |  |

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|                          |             |  |  |
|--------------------------|-------------|--|--|
| 611.Appendix G           | JCAR, SOS   | Added "NPDWR" to the Section heading to agree with the federal text and the table of contents  |  |
| 611.Appendix G (1)(A)(5) | JCAR        | Corrected the reference to "611.231(b)" to correspond with "141.71(a)(2)" in the corresponding federal text                                      |  |
| 611.Appendix G note 6    | JCAR        | Corrected "treatment technique violation" to "a treatment technique violation"   |  |
| 611.Appendix G note 9    | JCAR        | Corrected the reference to "Subpart B"   |  |
| 611.Appendix G note 15   | JCAR        | Corrected "from of relief" to "form of relief"   |  |
| 611.Appendix H 10        | JCAR, Board | Corrected "10 m" to "10 U5m"; removed the period at the end of the first-column entry; added missing federal text "some people . . . containing" |  |
| 611.Appendix H 35        | Board       | Moved the misplaced parenthetical abbreviation "DBCP" from the fourth to the first column  |  |

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|  |     |             |  |
|--|-----|-------------|--|
| 611.Appendix H<br>"dioxin"                 | 37  | JCAR        | Removed the period at the end of the first-column entry  |
| 611.Appendix H<br>"1,1,1-trichloropropane" | 71  | JCAR        | Removed the period at the end of the first-column entry  |
| 611.Appendix H<br>"1,1,2-trichloropropane" | 72  | JCAR        | Removed the period at the end of the first-column entry  |
| 611.Appendix H                             |     | JCAR        | Changed "EPA" to "USEPA"   |
| 611.Appendix H<br>"chlorine dioxide"       | 85a | JCAR        | Corrected nervous system excess to "in effects" to "in excess" to "nervous system effects"                   |
| 611.Appendix H<br>"chlorine dioxide"       | 85b | JCAR        | Changed "EPA" to "USEPA"   |
| 611.Appendix H note 4                      |     | JCAR        | Corrected "a supplier that . . . have" to singular "a supplier that . . . has"                               |
| 611.Appendix H note 17                     |     | JCAR        | Corrected "mg/l" to the defined abbreviation "mg/L" (twice)  |
| 611.Appendix I "OCWDW"                     |     | JCAR, Board | Added "USEPA"  |
| 611.Appendix I "OW"                        |     | JCAR, Board | Added "USEPA"  |
| 611.Appendix I "USEPA"                     |     | JCAR, Board | Changed "EPA" to "USEPA"; added "United States"; moved the revised entry into the correct alphabetical order |

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|  |             |  |
|--|-------------|--|
| 611.Table G heading  | Board, JCAR | Changed "Monitoring Section 611.357 Requirements" to "Section 611.357 Monitoring Requirements"; removed footnote heading "1"; added "see end note 1 below" following the heading   |
| 611.Table G "Initial JCAR, Board monitoring"                           |             | Changed "(3)" to superscripted end note number "3"; deleted the closing period for consistency; changed "point(s)" to "points"; added the definite article "the"; changed to written "six"                                     |
| 611.Table G "after the Board Agency specifies . . . corrosion control" |             | Changed to lower-case "specifies . . . corrosion control"; changed to written "six"; deleted the entry in the first column of the second segment; added "is"; changed "point(s)" to "points"; added the definite article "the" |
| 611.Table G "after Board; JCAR installation of corrosion control"      |             | Changed to lower-case "installation of corrosion control"; changed to written "six"; deleted the entry in the first  |

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

column of the second segment; added "is"; corrected the spelling of "residual"; changed "point(s)" to "points"; added the definite article "the"

611.Table G "after the Board Agency specifies . . corrosion control"

Changed "state" to "the Agency"; changed lower-case "specifies . . ." corrosion control"; changed to written "six"; deleted the entry in the first column of the second segment; added "is"; changed "point(s)" to "points"; added the definite article "the"

611.Table G "reduced Board monitoring"

Changed to lower-case "monitoring"; changed to written "six"; deleted the entry in the first column of the second segment; added "is"; changed "point(s)" to "points"; added the definite article "the"

611.Table G note 1 Board

Changed the note number to standard font, adding a period

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

611.Table G note 2 Board, JCAR

Changed the note number to standard font, adding a period; changed "small and medium-size" to "small- and medium-sized"

611.Table G note 3 Board

Changed the note number to standard font, adding a period

611.Table G note 4 Board

Changed the note number to standard font, adding a period

611.Table G note 5 Board

Changed the note number to standard font, adding a period

611.Table G Board note Board

Updated the Code of Federal Regulations source of this provision, adding "the table to"

16) Information and questions regarding these adopted amendments shall be directed to:

Please reference Docket R01-7 and direct inquiries to the following person:

Michael J. McCambridge  
Staff Attorney  
Illinois Pollution Control Board  
100 W. Randolph 11-500  
Chicago, IL 60601  
312-814-6924

Request copies of the Board's opinion and order of January 4, 2001 from the Clerk's office at 312-814-3620. Alternatively, you may obtain a copy of the Board's opinion and order from the Internet at <http://www.ipcb.state.il.us>.

The full text of the Adopted Amendments begins on the next page:

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE F: PUBLIC WATER SUPPLIES  
CHAPTER I: POLLUTION CONTROL BOARD

## PART 611

## PRIMARY DRINKING WATER STANDARDS

## SUBPART A: GENERAL

|         |   |
|---------|---|
| Section | Purpose, Scope and Applicability                                  |
| 611.100 | Definitions   |
| 611.101 | Incorporations by Reference                                       |
| 611.102 | Severability  |
| 611.103 | Agency Inspection of PWS Facilities                               |
| 611.107 | Delegation to Local Government                                    |
| 611.108 | Enforcement   |
| 611.109 | Special Exception Permits   |
| 611.110 | Relief Equivalent to SDWA Section 1415(a) Variances               |
| 611.111 | Relief Equivalent to SDWA Section 1416 Exemptions                 |
| 611.112 | Alternative Treatment Techniques                                  |
| 611.113 | Siting Requirements   |
| 611.114 | Source Water Quantity   |
| 611.115 | Effective dates   |
| 611.120 | Maximum Contaminant Levels and Finished Water Quality             |
| 611.121 | Fluoridation Requirement  |
| 611.125 | Prohibition on Use of Lead  |
| 611.126 | Special Requirements for Certain Variances and Adjusted Standards |
| 611.130 | Relief Equivalent to SDWA Section 1415(e) Small System Variance   |
| 611.131 | Composite Correction Program                                      |
| 611.160 |   |

## SUBPART B: FILTRATION AND DISINFECTION

|         |   |
|---------|---|
| Section | Requiring a Demonstration                           |
| 611.201 | Procedures for Agency Determinations                |
| 611.202 | Filtration Required                                 |
| 611.211 | Groundwater under Direct Influence of Surface Water |
| 611.212 | No Method of HPC Analysis                           |
| 611.213 | General Requirements                                |
| 611.220 | Filtration Effective Dates                          |
| 611.230 | Source Water Quality Conditions                     |
| 611.231 | Site-specific Conditions                            |
| 611.232 | Treatment Technique Violations                      |
| 611.233 | Disinfection  |
| 611.240 | Unfiltered PWSs                                     |
| 611.241 | Filtered PWSs                                       |
| 611.242 | Filtration  |
| 611.250 |   |

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|         |  |
|---------|--|
| 611.261 | Unfiltered PWSs: Reporting and Recordkeeping |
| 611.262 | Filtered PWSs: Reporting and Recordkeeping   |
| 611.271 | Protection during Repair Work                |
| 611.272 | Disinfection following Repair                |

## SUBPART C: USE OF NON-CENTRALIZED TREATMENT DEVICES

|         |  |
|---------|--|
| Section | Point-of-Entry Devices                       |
| 611.280 | Use of Point-of-Use Devices or Bottled Water |
| 611.290 |  |

## SUBPART D: TREATMENT TECHNIQUES

|         |                                |
|---------|--------------------------------|
| Section | General Requirements           |
| 611.295 | Acrylamide and Epichlorohydrin |
| 611.296 | Corrosion Control              |
| 611.297 |                                |

SUBPART F: MAXIMUM CONTAMINANT LEVELS (MCLs) AND  
MAXIMUM RESIDUAL DISINFECTANT LEVELS (MRDLs)

|         |  |
|---------|--|
| Section | Old MCLs for Inorganic Chemicals                                     |
| 611.300 | Revised MCLs for Inorganic Chemicals                                 |
| 611.301 | Old Maximum Contaminant Levels (MCLs) for Organic Chemicals          |
| 611.310 | Revised MCLs for Organic Contaminants                                |
| 611.311 | Maximum Contaminant Levels (MCLs) for Disinfection Byproducts (DBPs) |
| 611.312 | Maximum Residual Disinfectant Levels (MRDLs)                         |
| 611.313 | Turbidity  |
| 611.320 | Microbiological Contaminants   |
| 611.325 | Radium and Gross Alpha Particle Activity                             |
| 611.330 | Beta Particle and Photon Radioactivity                               |
| 611.331 |  |

## SUBPART G: LEAD AND COPPER

|         |  |
|---------|--|
| Section | General Requirements                           |
| 611.350 | Applicability of Corrosion Control             |
| 611.351 | Corrosion Control Treatment                    |
| 611.352 | Source Water Treatment                         |
| 611.353 | Lead Service Line Replacement                  |
| 611.354 | Public Education and Supplemental Monitoring   |
| 611.355 | Tap Water Monitoring for Lead and Copper       |
| 611.356 | Monitoring for Water Quality Parameters        |
| 611.357 | Monitoring for Lead and Copper in Source Water |
| 611.358 | Analytical Methods                             |
| 611.359 | Reporting                                      |
| 611.360 | Recordkeeping                                  |
| 611.361 |  |

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

## SUBPART A: GENERAL

**Section 611.126 Prohibition on Use of Lead**

- a) In general. Prohibition. Any pipe, any pipe or plumbing fitting or fixture, solder or flux ~~must~~ be lead free, as defined by subsection (b) of this Section, if it is used after June 19, 1986 in the installation or repair of:
- 1) Any PWS, or
  - 2) Any plumbing in a residential or nonresidential facility providing water for human consumption that is connected to a PWS.
- This subsection (a) does not apply to leaded joints necessary for the repair of cast iron pipes.
- b) Definition of lead free. For purposes of this Section, the term "lead free":

- 1) When used with respect to solders and flux, refers to solders and flux containing not more than 0.2 percent lead;
- 2) When used with respect to pipes and pipe fittings, refers to pipes and pipe fittings containing not more than 8.0 percent lead; and
- 3) when used with respect to plumbing fittings and fixtures that are intended by the manufacturer to dispense water for human ingestion, refers to plumbing fittings and fixtures in compliance with NSF Standard 61, section 9, incorporated by reference in Section 611.102.

BOARD NOTE: Derived from 40 CFR 141.43(a) and (d) (1999), as amended at 65 Fed. Reg. 2003 (Jan. 12, 2000), (1998) and 42 USC 300g-6(a)(1) (1998). USEPA has stated that NSF Standard 61 is the standard for plumbing fitting and fixtures developed pursuant to 42 USC 300g-6(e). See 62 Fed. Reg. 44684 (Aug. 22, 1997).

(Source: Amended at 25 Ill. Reg. 1320, effective 1/1/99)

**Section 611.131 Relief Equivalent to SDWA Section 1415(e) Small System Variance**

This Section is intended as a State equivalent of Section 1415(e) of the federal SDWA (42 USC 300g-4(e)).

- a) Variances may be obtained from the requirement to comply with an MCL or treatment technique to a PWS serving fewer than 10,000 persons in this Section. The PWS must ~~shall~~ file a variance petition pursuant to 35 Ill. Adm. Code 104, except as modified or supplemented by this Section.
- b) The Board will grant a small system variance to a PWS serving fewer than 3,300 persons. The Board will grant a small system variance to a PWS serving more than 3,300 persons but fewer than 10,000 persons with the approval of the USEPA. In determining the number of persons

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

served by the PWS, the Board will include persons served by consecutive systems. A small system variance granted to a PWS also applies to any consecutive system served by it.

- c) Availability of a variance.
- 1) A small system variance is not available under this Section for an NPDWR for a microbial contaminant (including a bacterium, virus, or other organism) or an indicator or treatment technique for a microbial contaminant.
  - 2) A small system variance under this Section is available for compliance with a requirement specifying an MCL or treatment technique for a contaminant with respect to which the following is true:
    - A) An NPDWR was promulgated on or after January 1, 1986; and
    - B) The USEPA has published a small system variance technology pursuant to Section 1412(b)(15) of the federal SDWA (42 USC 300g-1(b)(15)).

BOARD NOTE: Small system variances are not available for PWSs above the pre-1986 ~~pre-1986~~ MCL even if subsequently revised. If the USEPA revises a pre-1986 ~~pre-1986~~ MCL and makes it more stringent, then a variance would be available for that contaminant, but only up to the pre-1986 ~~pre-1986~~ maximum contaminant level.

- d) No small system variance will be in effect until the later of the following:
- 1) 90 days after the Board proposes to grant the small system variance;
  - 2) If the Board is proposing to grant a small system variance to a PWS serving fewer than 3,300 persons and the USEPA objects to the small system variance, the date on which the Board makes the recommended modifications or responds in writing to each objection; or

- 3) If the Board is proposing to grant a small system variance to a PWS serving a population of more than 3,300 and fewer than 10,000 persons, the date the USEPA approves the small system variance.

e) As part of the showing of arbitrary or unreasonable hardship, the PWS must ~~shall~~ prove and document the following to the Board:

- 1) That the PWS is eligible for a small system variance pursuant to subsection (c) of this Section;
- 2) That the PWS cannot afford to comply with the NPDWR for which a small system variance is sought, including by the following:
  - A) Treatment;
  - B) Alternative sources of water supply;
  - C) Restructuring or consolidation changes, including ownership change or physical consolidation with another PWS; or
  - D) Obtaining financial assistance pursuant to Section 1452 of the federal SDWA or any other federal or State program;
- 3) That the PWS meets the source water quality requirements for installing the small system variance technology developed pursuant to guidance published under Section 1412(b)(15) of the



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- federal SDWA (42 USC 300g-1(b)(15));
- 4) That the PWS is financially and technically capable of installing, operating, and maintaining the applicable small system variance technology; and
- 5) That the terms and conditions of the small system variance ensure adequate protection of human health, considering the following:

- A) The quality of the source water for the PWS; and
- B) Removal efficiencies and expected useful life of the small system variance technology.

## f) Terms and Conditions.

- 1) The Board will set the terms and conditions of a small system variance issued under this Section and will include, at a minimum, the following requirements:

A) Proper and effective installation, operation, and maintenance of the applicable small system variance technology in accordance with guidance published by the USEPA, taking into consideration any relevant source water characteristics and any other site-specific conditions that may affect proper and effective operation and maintenance of the technology;

B) Monitoring requirements for the contaminant for which a small system variance is sought; and

C) Any other terms or conditions that are necessary to ensure adequate protection of public health, which may include:

- i) Public education requirements; and
- ii) Source water protection requirements.

- 2) The Board will establish a schedule for the PWS to comply with the terms and conditions of the small system variance that will include, at a minimum, the following requirements:

A) Increments of progress, such as milestone dates for the PWS to apply for financial assistance and begin capital improvements;

B) Quarterly reporting to the Agency of the PWS's compliance with the terms and conditions of the small system variance;

C) Schedule for the Board to review the small system variance; and

BOARD NOTE: Corresponding 40 CFR 142.307(d) (1999) provides that the states must review variances no less frequently than every five years. Section 36 of the Act provides that 5 years is the maximum term ~~terms~~ of a variance.

D) Compliance with the terms and conditions of the small system variance as soon as practicable, but not later than three years after the date on which the small system variance is granted. The Board may allow up to two additional years if the Board determines that additional time is necessary for the PWS to:

- i) Complete necessary capital improvements to comply with

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

the small system variance technology, secure an alternative source of water, or restructure or consolidate; or

ii) Obtain financial assistance provided pursuant to Section 1452 of the SDWA or any other federal or State program.

- g) The Board will provide notice and opportunity for a public hearing as provided in 35 Ill. Adm. Code 104, except as modified or supplemented by this Section.

- 1) At least 30 days before the public hearing to discuss the proposed small system variance, the PWS must ~~shall~~ provide notice to all persons served by the PWS. For billed customers, this notice must include the information listed in subsection (g)(2) of this Section. For other persons regularly served by the PWS, notice must provide sufficient information to alert readers to the proposed variance and direct them to where to receive additional information, and must be as provided in subsection (g)(1)(B) of this Section. Notice must be by the following means:

- A) Direct mail or other home delivery to billed customers or other service connections, and
- B) Any other method reasonably calculated to notify, in a brief and concise manner, other persons regularly served by the PWS. Such methods may include publication in a local newspaper, posting in public places or delivery to community organizations.

- 2) The notice in subsection (g)(1)(A) of this Section must include, at a minimum, the following:

A) Identification of the contaminants ~~contaminant(s)~~ for which a small system variance is sought;

B) A brief statement of the health effects associated with the contaminants ~~contaminant(s)~~ for which a small system variance is sought, using language in Appendix H of this Part;

C) The address and telephone number at which interested persons may obtain further information concerning the contaminant and the small system variance;

D) A brief summary, in easily understandable terms, of the terms and conditions of the small system variance;

E) A description of the consumer petition process under subsection (h) of this Section and information on contacting the USEPA Regional Office;

F) A brief statement announcing the public meeting required under subsection (g)(3) of this Section, including a statement of the purpose of the meeting, information regarding the time and location for the meeting, and the address and telephone number at which interested persons may obtain further information concerning the meeting; and

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- G) In communities with a large proportion of non-English-speaking residents, as determined by the Board, information in the appropriate language regarding the content and importance of the notice.
- 3) The Board will provide for at least one public hearing on the small system variance. The PWS must shall provide notice in the manner required under subsection (g)(1) of this Section at least 30 days prior to the public hearing.
- 4) Prior to promulgating the final variance, the Board will respond in writing to all significant public comments received relating to the small system variance. Response to public comment and any other documentation supporting the issuance of a variance will be made available to the public after final promulgation.
- h) Any person served by the PWS may petition the USEPA to object to the granting of a small system variance within 30 days after the Board proposes to grant a small system variance for the PWS.
- i) The Agency must shall promptly send the USEPA the Opinion and Order of the Board granting the proposed small system variance. The Board will make the recommended modifications, respond in writing to each objection, or withdraw the proposal to grant the small system variance if USEPA notifies the Board of a finding pursuant to Section 1415 of the SDWA (42 USC 300g-4).
- j) In addition to the requirements of this Section, the provisions of Section 611.111, 611.112, or 611.130 may apply to relief granted pursuant to this Section.

BOARD NOTE: Derived from 40 CFR 142, Subpart K (1999) (1990).

(Source: Amended at 25 Ill. Reg. 12.00 1 effective 1/1/91)

## SUBPART B: FILTRATION AND DISINFECTION

## Section 611.261 Unfiltered PWSs: Reporting and Recordkeeping

A supplier that uses a surface water source and does not provide filtration treatment must shall report monthly to the Agency the information specified in this Section beginning December 31, 1990, unless the Agency has determined that filtration is required, in which case the Agency must shall, by special exception permit, specify alternative reporting requirements, as appropriate, until filtration is in place. A supplier that uses a groundwater source under the direct influence of surface water and does not provide filtration treatment must shall report monthly to the Agency the information specified in this Section beginning December 31, 1990, or six 6 months after the Agency determines that the groundwater source is under the direct influence of surface water, whichever is later, unless the Agency has determined that filtration is required, in which case the Agency must shall, by special exception permit, specify alternative reporting requirements, as appropriate, until filtration is in place.

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- a) Source water quality information must be reported to the Agency within ten 10 days after the end of each month the system serves water to the public. Information that must be reported includes:
- 1) The cumulative number of months for which results are reported.
  - 2) The number of fecal or total coliform samples, whichever are analyzed during the month (if a system monitors for both, only fecal coliforms must be reported), the dates of sample collection, and the dates when the turbidity level exceeded 1 NTU.
  - 3) The number of samples during the month that had equal to or fewer less than 20/100 ml fecal coliforms or equal to or fewer less than 100/100 ml total coliforms, whichever are analyzed.
  - 4) The cumulative number of fecal or total coliform samples, whichever are analyzed, during the previous six months the system served water to the public.
  - 5) The cumulative number of samples that had equal to or fewer less than 20/100 ml fecal coliforms or equal to or fewer less than 100/100 ml total coliforms, whichever are analyzed, during the previous six months the system served water to the public.
  - 6) The percentage of samples that had equal to or fewer less than 20/100 ml fecal coliforms or equal to or fewer less than 100/100 ml total coliforms, whichever are analyzed, during the previous six months the system served water to the public.
  - 7) The maximum turbidity level measured during the month, the dates date(s) of occurrence for any measurements measurements which exceeded 5 NTU and the dates date(s) the occurrences occurrences were reported to the Agency.
  - 8) For the first 12 months of recordkeeping, the dates and cumulative number of events during which the turbidity exceeded 5 NTU, and after one year of recordkeeping for turbidity measurements, the dates and cumulative number of events during which the turbidity exceeded 5 NTU in the previous 12 months the system served water to the public.
  - 9) For the first 120 months of recordkeeping, the dates and cumulative number of events during which the turbidity exceeded 5 NTU, and after ten 10 years of recordkeeping for turbidity measurements, the dates and cumulative number of events during which the turbidity exceeded 5 NTU in the previous 120 months the system served water to the public.
- b) Disinfection information specified in Section 611.532 must be reported to the Agency within ten 10 days after the end of each month the system serves water to the public. Information that must be reported includes:
- 1) For each day, the lowest measurement of RDC in mg/L in water entering the distribution system.
  - 2) The date and duration of each period when the RDC in water entering the distribution system fell below 0.2 mg/L and when the Agency was notified of the occurrence.

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- 3) The daily RDCs  $RDC(t)$  (in mg/L) and disinfectant contact times  $time(t)$  (in minutes) used for calculating the CT values  $value(t)$ .
- 4) If chlorine is used, the daily measurements  $measurement(t)$  of pH of disinfected water following each point of chlorine disinfection.
- 5) The daily measurements  $measurement(t)$  of water temperature in degrees C following each point of disinfection.
- 6) The daily Ctcalc and Ai values for each disinfectant measurement or sequence and the sum of all Ai values (B) before or at the first customer.
- 7) The daily determination of whether disinfection achieves adequate Giardia cyst and virus inactivation, i.e., whether Ai is at least 1.0 or, where disinfectants other than chlorine are used, other indicator conditions that the Agency, pursuant to Section 611.241(a)(1), determines are appropriate, are met.
- 8) The following information on the samples taken in the distribution system in conjunction with total coliform monitoring pursuant to Section 611.240 through 611.242 ~~et seq.~~:
- A) Number of instances where the RDC is measured;
- B) Number of instances where the RDC is not measured but HPC is measured;
- C) Number of instances where the RDC is measured but not detected and no HPC is measured;
- D) Number of instances where the RDC is detected and where HPC is greater than 500/ml;
- E) Number of instances where the RDC is not measured and HPC is greater than 500/ml;
- F) For the current and previous month the system served water to the public, the value of "v" in the following formula:

$$V = \frac{100(c + d + e)}{(a + b)}$$

where:

a = Value in subsection (b)(8)(A);

b = Value in subsection (b)(8)(B);

c = Value in subsection (b)(8)(C);

d = Value in subsection (b)(8)(D);

e = Value in subsection (b)(8)(E);

G) The requirements of subsections (b)(8)(A) through (F) do not

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

apply if the Agency determines, pursuant to Section 611.213, that a system has no means for having a sample analyzed for HPC.

- 9) A system need not report the data listed in subsections (b)(1), and (b)(3) through (6), if all data listed in subsections (b)(1) through (b)(8) remain on file at the system, and the Agency determines, by special exception permit, that:

A) The system has submitted to the Agency all the information required by subsections (b)(1) through (8) for at least 12 months; and

B) The Agency has determined that the system is not required to provide filtration treatment.

- c) By October 10 of each year, each system must ~~shall~~ provide to the Agency a report which summarizes its compliance with all watershed control program requirements specified in Section 611.232(b).

- d) By October 10 of each year, each system must ~~shall~~ provide to the Agency a report on the on-site inspection conducted during that year pursuant to Section 611.232(c), unless the on-site inspection was conducted by the Agency. If the inspection was conducted by the Agency, the Agency must ~~shall~~ provide a copy of its report to the supplier.

- e) Reporting health threats.

- 1) Each system, upon discovering that a waterborne disease outbreak potentially attributable to that water system has occurred, must ~~shall~~ report that occurrence to the Agency as soon as possible, but no later than by the end of the next business day.

- 2) If at any time the turbidity exceeds 5 NTU, the system must ~~shall~~ consult with ~~shall--inform~~ the Agency as soon as practical ~~possible~~, but no later than 24 hours after the exceedance is known, in accordance with the public notification requirements under Section 611.903(b)(3) ~~the end-of-the-next-business-day~~.

- 3) If at any time the RDC falls below 0.2 mg/L in the water entering the distribution system, the system must ~~shall~~ notify the Agency as soon as possible, but no later than by the end of the next business day. The system also must ~~shall~~ notify the Agency by the end of the next business day whether or not the RDC was restored to at least 0.2 mg/L within four 4 hours.

BOARD NOTE: Derived from 40 CFR 141.75(a) (1999) ~~(1989)~~, as amended at 65 54 Fed. Reg. 26022 (May 4, 2000) ~~275267--June-29-1989~~.

(Source: Amended at 25 Ill. Reg. ~~19 20 21~~ effective ~~19 20 21~~)

## Section 611.262 Filtered PWSs: Reporting and Recordkeeping

A supplier that uses a surface water source or a groundwater source under the direct influence of surface water and provides filtration treatment must ~~shall~~ report monthly to the Agency the information specified in this Section

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

beginning June 29, 1993, or when filtration is installed, whichever is later.

- a) Turbidity measurements as required by Section 611.533(a) must be reported within ten days after the end of each month the supplier system serves water to the public. Information that must be reported includes:

- 1) The total number of filtered water turbidity measurements taken during the month.
- 2) The number and percentage of filtered water turbidity measurements taken during the month which are less than or equal to the turbidity limits specified in Section 611.250 for the filtration technology being used.
- 3) The date and value of any turbidity measurements taken during the month which exceed 5 NTU.

- b) Disinfection information specified in Section 611.533 must be reported to the Agency within ten days after the end of each month the supplier system serves water to the public. Information that must be reported includes:

- 1) For each day, the lowest measurement of RDC in mg/L in water entering the distribution system.
- 2) The date and duration of each period when the RDC in water entering the distribution system fell below 0.2 mg/L and when the Agency was notified of the occurrence.
- 3) The following information on the samples taken in the distribution system in conjunction with total coliform monitoring pursuant to Sections 611.240 through 611.242 et seq:
  - A) Number of instances where the RDC is measured;
  - B) Number of instances where the RDC is not measured but HPC is measured;
  - C) Number of instances where the RDC is measured but not detected and no HPC is measured;
  - D) Number of instances where no RDC is detected and where HPC is greater than 500/ml;
  - E) Number of instances where the RDC is not measured and HPC is greater than 500/ml;
  - F) For the current and previous month the supplier system serves water to the public, the value of "V" in the following formula:

$$V = \frac{100(c + d + e)}{(a + b)}$$

$$V = \frac{100(c + d + e)}{(a + b)}$$

where:

a = Value in subsection (b)(3)(A) of this Section.

b = Value in subsection (b)(3)(B) of this Section.

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

c = Value in subsection (b)(3)(C) of this Section.

d = Value in subsection (b)(3)(D) of this Section.

e = Value in subsection (b)(3)(E) of this Section.

- G) Subsections (b)(3)(A) through (b)(3)(F) of this Section do not apply if the Agency determines, pursuant to Section 611.213, that a supplier system has no means for having a sample analyzed for HPC.

c) Reporting health threats.

- 1) Each supplier system, upon discovering that a waterborne disease outbreak potentially attributable to that water system has occurred, must ~~shall~~ report that occurrence to the Agency as soon as possible, but no later than by the end of the next business day.
- 2) If at any time the turbidity exceeds 5 NTU, the supplier must consult with ~~system shall inform~~ the Agency as soon as ~~practical possible~~, but no later than 24 hours after the exceedance is known, in accordance with the public notification requirements under Section 611.903(b)(3) ~~the end of the next business day~~.
- 3) If at any time the residual falls below 0.2 mg/L in the water entering the distribution system, the supplier must ~~system shall~~ notify the Agency as soon as possible, but no later than by the end of the next business day. The ~~supplier system~~ also must ~~shall~~ notify the Agency by the end of the next business day whether or not the residual was restored to at least 0.2 mg/L within ~~four~~ hours.

BOARD NOTE: Derived from 40 CFR 141.75(b) (1999) ~~1989~~, as amended at 65 54 Fed. Reg. 26022 (May 4, 2000) ~~275267-June-97-1989~~.

(Source: Amended ~~JAN 1 2001~~ at 25 Ill. Reg. ~~10 20 01~~ effective)

SUBPART F: MAXIMUM CONTAMINANT LEVELS (MCLs) AND MAXIMUM RESIDUAL DISINFECTANT LEVELS (MRDLs) ~~(MCLs)~~

## Section 611.300 Old MCLs for Inorganic Chemicals

- a) The old MCLs listed in subsection (b) of this Section ~~below~~ for inorganic chemicals apply only to CWS suppliers. Compliance with old MCLs for inorganic chemicals is calculated pursuant to Section 611.612, except that analyses for arsenic are to be performed pursuant to Section 611.611.

BOARD NOTE: Derived from 40 CFR 141.11(a) (1999) ~~1995~~.

- b) The following are the old MCLs ~~MEB+s~~ for inorganic chemicals:

Contaminant Level, mg/L Additional



POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 25 Ill. Reg. 1829 effective 12/29/99)

Section 611.325 Microbiological Contaminants

- a) The MCL is based on the presence or absence of total coliforms in a sample, rather than coliform density.
- 1) For a supplier that ~~which~~ collects at least 40 samples per month, if no more than 5.0 percent of the samples collected during a month are total coliform-positive, the supplier is in compliance with the MCL for total coliforms.
- 2) For a supplier that ~~which~~ collects fewer than 40 samples per month, if no more than one sample collected during a month is a total coliform-positive, the supplier is in compliance with the MCL for total coliforms.
- b) Any fecal coliform-positive repeat sample or E. coli-positive repeat sample, or any total coliform-positive repeat sample following a fecal coliform-positive or E. coli-positive routine sample, constitutes a violation of the MCL for total coliforms. For purposes of the public notification requirements in Subpart V of this Part ~~Section 611.951-et seq.~~, this is a violation that may pose an acute risk to health.
- c) A supplier ~~must~~ ~~shall~~ determine compliance with the MCL for total coliforms in subsections (a) and (b) of this Section for each month in which it is required to monitor for total coliforms.
- d) BATs for achieving compliance with the MCL for total coliforms in subsections (a) and (b) of this Section:

- 1) protection of wells from contamination by coliforms by appropriate placement and construction;
- 2) Maintenance of RDC throughout the distribution system;
- 3) proper maintenance of the distribution system including appropriate pipe replacement and repair procedures, main flushing programs, proper operation and maintenance of storage tanks and reservoirs and continual maintenance positive water pressure in all parts of the distribution system;
- 4) Filtration and disinfection of surface water, as described in Subpart B, or disinfection of groundwater using strong oxidants such as chlorine, chlorine dioxide or ozone; or
- 5) For systems using groundwater, compliance with the wellhead protection program, after USEPA 8-S-BPA approves the program.

BOARD NOTE: Derived from 40 CFR 141.63 (1999), as amended at 65 Fed. Reg. 26022, May 4, 2000 ~~(1994)~~.

(Source: Amended at 25 Ill. Reg. 1829 effective 12/29/99)

SUBPART G: LEAD AND COPPER

Section 611.351 Applicability of Corrosion Control

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

State Requirement (\*)

|                |      |
|----------------|------|
| Arsenic.....   | 0.05 |
| Iron.....      | 1.0  |
| Manganese..... | 0.15 |
| Zinc.....      | 5.   |

BOARD NOTE: Derived from 40 CFR 141.11(b) & (c) (1999) ~~(1995)~~. This provision, which corresponds with 40 CFR 141.11, was formerly the only listing of MCLs for inorganic parameters. However, USEPA added another listing of inorganic MCLs at 40 CFR 141.62 at 56 Fed. Reg. 3594 (Jan. 30, 1991), which corresponds with Section 611.301.

- c) This subsection corresponds with 40 CFR 141.11(c) (1999) ~~(1995)~~, marked as reserved by USEPA. This statement maintains structural parity with the federal rules.

- d) Nitrate.

Non-CWSs may exceed the MCL for nitrate under the following circumstances:

- 1A) The nitrate level must not exceed 20 mg/L,
- 2B) The water must not be available to children under six months of age.

- 3C) The NCWS supplier is meeting the public notification requirements under Section 611.909, including ~~there will be~~ continuous posting of the fact that the nitrate level exceeds 10 mg/L together with the potential public health effects ~~information set forth in paragraph (2) of exposure Section 611-Appendix-A.~~

- 4B) The supplier will annually notify local public health authorities and the Department of Public Health of the nitrate levels that exceed 10 mg/L, and

- 5E) No adverse public health effects result.

BOARD NOTE: Derived from 40 CFR 141.11(d) (1999), as amended at 65 Fed. Reg. 26022 (May 4, 2000) ~~(1995)~~. The Department of Public Health regulations may impose a nitrate limitation requirement. Those regulations are at 77 Ill. Adm. Code 900.50.

- e) The following supplementary condition applies to the MCLs listed in subsection (b) of this Section ~~above~~ for iron and manganese:

- 1) CWS suppliers that serve a population of 1000 or ~~fewer~~ ~~less~~, or 300 service connections or ~~fewer~~ ~~less~~, are exempt from the standards for iron and manganese.

- 2) The Agency may, by special exception permit, allow iron and manganese in excess of the MCL if sequestration tried on an experimental basis proves to be effective. If sequestration is not effective, positive iron or manganese reduction treatment as applicable must be provided. Experimental use of a sequestering agent may be tried only if approved by special exception permit.

BOARD NOTE: The requirements of subsection (e) of this Section are ~~this is~~ an additional State requirement.



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- a) Corrosion control required. Suppliers must ~~shall~~ complete the applicable corrosion control treatment requirements described in Section 611.352 on or before the deadlines set forth in this Section.
- 1) Large systems. Each large system supplier (one regularly serving more than 50,000 persons) must ~~shall~~ complete the corrosion control treatment steps specified in subsection (d) of this Section ~~below~~, unless it is deemed to have optimized corrosion control under subsection (b)(2) or (b)(3) of this Section ~~below~~.
  - 2) Medium-sized and small systems. Each small system supplier (one regularly serving 3,300 ~~3000~~ or fewer persons) and each medium-sized system (one regularly serving more than 3,300 up to 50,000 ~~or fewer~~ persons) must ~~shall~~ complete the corrosion control treatment steps specified in subsection (e) of this Section ~~below~~, unless it is deemed to have optimized corrosion control under one of subsections (b)(1), (b)(2), or (b)(3) of this Section ~~below~~.
  - b) Suppliers deemed to have optimized corrosion control. A supplier is deemed to have optimized corrosion control, and is not required to complete the applicable corrosion control treatment steps identified in this Section, if the supplier satisfies one of the ~~following~~ criteria specified in subsections (b)(1) through (b)(3) of this Section. Any such system deemed to have optimized corrosion control under this subsection, and which has treatment in place, must continue to operate and maintain optimal corrosion control treatment and meet any requirements that the Agency determines are appropriate to ensure optimal corrosion control treatment is maintained.
    - 1) Small or medium-sized system meeting action levels. A small system or medium-sized system supplier is deemed to have optimized corrosion control if the system meets the lead and copper action levels during each of two consecutive six-month monitoring periods with monitoring conducted in accordance with Section 611.356.
    - 2) SEP for equivalent activities to corrosion control. The Agency must ~~shall~~, by a SEP granted pursuant to Section 611.110, deem any supplier to have optimized corrosion control treatment if it determines that the supplier has conducted activities equivalent to the corrosion control steps applicable under this Section. In making this determination, the Agency must ~~shall~~ specify the water quality control parameters representing optimal corrosion control in accordance with Section 611.352(f). A water supplier that is deemed to have optimized corrosion control under this subsection (b)(2) must operate in compliance with the Agency-designated optimal water quality control parameters in accordance with Section 611.352(g) and must continue to conduct lead and copper tap and water quality parameter sampling in accordance with Sections 611.356(d)(3) and 611.357(d), respectively. A supplier must ~~shall~~ provide the Agency with the following information in order to support an Agency SEP

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- determination under this subsection (b)(2):
- A) The ~~the~~ results of all test samples collected for each of the water quality parameters in Section 611.352(c)(3);
  - B) A ~~a~~ report explaining the test methods the supplier used to evaluate the corrosion control treatments listed in Section 611.352(c)(1), the results of all tests conducted, and the basis for the supplier's selection of optimal corrosion control treatment;
  - C) A ~~a~~ report explaining how the supplier has installed corrosion control and how the supplier maintains it to insure minimal lead and copper concentrations at consumer's taps; and
  - D) The ~~the~~ results of tap water samples collected in accordance with Section 611.356 at least once every six months for one year after corrosion control has been installed.
- 3) Results less than practical quantitation level (PQL) for lead. Any supplier is deemed to have optimized corrosion control if it submits results of tap monitoring conducted in accordance with Section 611.356 and source water monitoring conducted in accordance with Section 611.358 that demonstrate that for two consecutive six-month monitoring periods the difference between the 90th percentile tap water lead level, computed pursuant to Section 611.350(c)(3), and the highest source water lead concentration is less than the practical quantitation level for lead specified in Section 611.359(a)(1)(B)(i).
- A) Those systems whose highest source water lead level is below the method detection limit (MDL) may also be deemed to have optimized corrosion control under this subsection (b) if the 90th percentile tap water lead level is less than or equal to the PQL for lead for two consecutive six-month monitoring periods.
  - B) Any water system deemed to have optimized corrosion control in accordance with this subsection (b) must continue monitoring for lead and copper at the tap no less frequently than once every three calendar years using the reduced number of sites specified in Section 611.356(c) and collecting the samples at times and locations specified in Section 611.356(d)(4)(D). Any such system that has not conducted a round of monitoring pursuant to Section 611.356(d) since September 30, 1997, must complete a round of monitoring pursuant to this subsection (b) no later than September 30, 2000.
- BOARD NOTE: USEPA specified September 30, 2000 at 40 CFR 141.81(b)(3)(ii) (1999), as amended at 65 Fed. Reg. 2004 (Jan. 12, 2000). In order to remain identical-in-substance and to retain State primacy, the Board retained this date despite the fact that this Section became effective after that date.

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- C) Any water system deemed to have optimized corrosion control pursuant to this subsection (b) must notify the Agency in writing pursuant to Section 611.360(a)(3) of any change in treatment or the addition of a new source. The Agency must require any such system to conduct additional monitoring or to take other action if the Agency determines that the additional monitoring is necessary and appropriate to ensure that the supplier maintains minimal levels of corrosion in its distribution system.
- D) As of July 12, 2001, a supplier is not deemed to have optimized corrosion control under this subsection (b), and must implement corrosion control treatment pursuant to subsection (b)(3)(E) of this Section, unless it meets the copper action level.
- E) Any supplier triggered into corrosion control because it is no longer deemed to have optimized corrosion control under this subsection must implement corrosion control treatment in accordance with the deadlines in subsection (e) of this Section. Any such large system supplier must adhere to the schedule specified in that subsection (e) for a medium-sized system supplier, with the time periods for completing each step being triggered by the date the supplier is no longer deemed to have optimized corrosion control under this subsection (b).
- c) Suppliers not required to complete corrosion control steps for having met both action levels.
- 1) Any small system or medium-sized system supplier, otherwise required to complete the corrosion control steps due to its exceedance of the lead or copper action level, may cease completing the treatment steps after the supplier has fulfilled both of the following conditions:
    - A) It has met both the copper action level and the lead action level during each of two consecutive six-month monitoring periods conducted pursuant to Section 611.356, and
    - B) The supplier has submitted the results for those two consecutive six-month monitoring periods to the Agency.
  - 2) A supplier that has ceased completing the corrosion control steps pursuant to subsection (c)(1) of this Section above (or the Agency, if appropriate) must shall resume completion of the applicable treatment steps, beginning with the first treatment step that the supplier previously did not complete in its entirety, if the supplier thereafter exceeds the lead or copper action level during any monitoring period.
  - 3) The Agency may, by SEP, require a supplier to repeat treatment steps previously completed by the supplier where it determines that this is necessary to properly implement the treatment requirements of this Section. Any such SEP must shall explain the basis for this decision.

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- 4) The requirement for any small or medium-sized system supplier to implement corrosion control treatment steps in accordance with subsection (e) of this Section below (including systems deemed to have optimized corrosion control under subsection (b)(1) of this Section above) is triggered whenever any small or medium-sized system supplier exceeds the lead or copper action level.
  - d) Treatment steps and deadlines for large systems. Except as provided in subsections (b)(2) and (b)(3) of this Section above, large system suppliers must shall complete the following corrosion control treatment steps (described in the referenced portions of Sections 611.352, 611.356, and 611.357) on or before the indicated dates.
    - 1) Step 1: The supplier must shall conduct initial monitoring (Sections 611.356(d)(1) and 611.357(b)) during two consecutive six-month monitoring periods on or before January 1, 1993.
- BOARD NOTE: USEPA 8-S-PPA specified January 1, 1993 at 40 CFR 141.81(d)(1) (1999). In order to remain identical-in-substance and to retain State state primacy, the Board retained this date despite the fact that this Section became effective after that date.
- 2) Step 2: The supplier must shall complete corrosion control studies (Section 611.352(c)) on or before July 1, 1994.
  - 3) Step 3: The Agency must shall approve optimal corrosion control treatment (Section 611.352(d)) by a SEP issued pursuant to Section 611.110 on or before January 1, 1995.
  - 4) Step 4: The supplier must shall install optimal corrosion control treatment (Section 611.352(e)) by January 1, 1997.
  - 5) Step 5: The supplier must shall complete follow-up sampling (Sections 611.356(d)(2) and 611.357(c)) by January 1, 1998.
  - 6) Step 6: The Agency must shall review installation of treatment and approve optimal water quality control parameters (Section 611.352(f)) by July 1, 1998.
  - 7) Step 7: The supplier must shall operate in compliance with the Agency-specified optimal water quality control parameters (Section 611.352(g)) and continue to conduct tap sampling (Sections 611.356(d)(3) and 611.357(d)).
- e) Treatment steps and deadlines for small and medium-sized system suppliers. Except as provided in subsection (b) of this Section above, small and medium-sized system suppliers must shall complete the following corrosion control treatment steps (described in the referenced portions of Sections 611.352, 611.356 and 611.357) by the indicated time periods.
- 1) Step 1: The supplier must shall conduct initial tap sampling (Sections 611.356(d)(1) and 611.357(b)) until the supplier either exceeds the lead action level or the copper action level or it becomes eligible for reduced monitoring under Section 611.356(d)(4). A supplier exceeding the lead action level or the copper action level must shall recommend optimal corrosion control treatment (Section 611.352(a)) within six months after it

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- exceeds one of the action levels.
- 2) Step 2: Within 12 months after a supplier exceeds the lead action level or the copper action level, the Agency may require the supplier to perform corrosion control studies (Section 611.352(b)). If the Agency does not require the supplier to perform such studies, the Agency must ~~shall~~, by a SEP issued pursuant to Section 611.110, specify optimal corrosion control treatment (Section 611.352(d)) within the following timeframes:
    - A) for medium-sized systems, within 18 months after such supplier exceeds the lead action level or the copper action level,
    - B) for small systems, within 24 months after such supplier exceeds the lead action level or the copper action level.
  - 3) Step 3: If the Agency requires a supplier to perform corrosion control studies under step 2 (subsection (e)(2) of this Section ~~above~~), the supplier must ~~shall~~ complete the studies (Section 611.352(c)) within 18 months after the Agency requires that such studies be conducted.
  - 4) Step 4: If the supplier has performed corrosion control studies under step 2 (subsection (e)(2) of this Section ~~above~~), the Agency must ~~shall~~, by a SEP issued pursuant to Section 611.110, approve optimal corrosion control treatment (Section 611.352(d)) within six 6 months after completion of step 3 (subsection (e)(3) of this Section ~~above~~).
  - 5) Step 5: The supplier must ~~shall~~ install optimal corrosion control treatment (Section 611.352(e)) within 24 months after the Agency approves such treatment.
  - 6) Step 6: The supplier must ~~shall~~ complete follow-up sampling (Sections 611.356(d)(2) and 611.357(c)) within 36 months after the Agency approves optimal corrosion control treatment.
  - 7) Step 7: The Agency must ~~shall~~ review the supplier's installation of treatment and, by a SEP issued pursuant to Section 611.110, approve optimal water quality control parameters (Section 611.352(f)) within six 6 months after completion of step 6 (subsection (e)(6) of this Section ~~above~~).
  - 8) Step 8: The supplier must ~~shall~~ operate in compliance with the Agency-approved optimal water quality control parameters (Section 611.352(g)) and continue to conduct tap sampling (Sections 611.356(d)(3) and 611.357(d)).

BOARD NOTE: Derived from 40 CFR 141.81 (1999), as amended at 65 Fed. Reg. 2004 (Jan. 12, 2000) (#9947).

(Source: ~~Amended~~ <sup>2000</sup> at 25 Ill. Reg. 14 2 0 = 7 effective

## Section 611.352 Corrosion Control Treatment

Each supplier must ~~shall~~ complete the corrosion control treatment requirements

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- described below that are applicable to such supplier under Section 611.351.
- a) System recommendation regarding corrosion control treatment.
    - 1) Based on the results of lead and copper tap monitoring and water quality parameter monitoring, small and medium-sized system suppliers exceeding the lead action level or the copper action level must ~~shall~~ recommend to the Agency installation of one or more of the corrosion control treatments listed in subsection (c)(1) of this Section ~~below~~ that the supplier believes constitutes optimal corrosion control for its system.
    - 2) The Agency may, by a SEP issued pursuant to Section 611.110, require the supplier to conduct additional water quality parameter monitoring in accordance with Section 611.357(b) to assist it in reviewing the supplier's recommendation.
  - b) Agency-required studies of corrosion control treatment. The Agency may, by a SEP issued pursuant to Section 611.110, require any small or medium-sized system supplier that exceeds the lead action level or the copper action level to perform corrosion control studies under subsection (c) of this Section ~~below~~ to identify optimal corrosion control treatment for its system.
    - c) Performance of studies:
      - 1) Any supplier performing corrosion control studies must ~~shall~~ evaluate the effectiveness of each of the following treatments, and, if appropriate, combinations of the following treatments, to identify the optimal corrosion control treatment for its system:
        - A) Alkalinity ~~alkalinity~~ and pH adjustment;
        - B) Calcium ~~calcium~~ hardness adjustment; and
        - C) ~~The addition of a phosphate- or silicate-based corrosion inhibitor at a concentration sufficient to maintain an effective residual concentration in all test tap samples.~~
      - 2) The supplier must ~~shall~~ evaluate each of the corrosion control treatments using either pipe rig/loop tests; metal coupon tests; partial-system tests; or analyses based on documented analogous treatments in other systems of similar size, water chemistry, and distribution system configuration.
      - 3) The supplier must ~~shall~~ measure the following water quality parameters in any tests conducted under this subsection (c) before and after evaluating the corrosion control treatments listed above:
        - A) Lead ~~lead~~;
        - B) Copper ~~copper~~;
        - C) pH;
        - D) Alkalinity ~~alkalinity~~;
        - E) Calcium ~~calcium~~;
        - F) Conductivity;
        - G) Orthophosphate ~~orthophosphate~~ (when an inhibitor containing a phosphate compound is used);
        - H) Silicate ~~silicate~~ (when an inhibitor containing a silicate compound is used); and



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- 1) Water water temperature.
- 4) The supplier must shall identify all chemical or physical constraints that limit or prohibit the use of a particular corrosion control treatment, and document such constraints with at least one of the following:
  - A) Data data and documentation showing that a particular corrosion control treatment has adversely affected other comparable water quality characteristics; or
  - B) Data data and documentation demonstrating that the supplier has previously attempted to evaluate a particular corrosion control treatment, finding either that the treatment is ineffective or it adversely affects other water quality treatment processes.
- 5) The supplier must shall evaluate the effect of the chemicals used for corrosion control treatment on other water quality treatment processes.
- 6) On the basis of an analysis of the data generated during each evaluation, the supplier must shall recommend to the Agency, in writing, that treatment option the corrosion control studies indicate constitutes optimal corrosion control treatment for its system. The supplier must shall provide a rationale for its recommendation, along with all supporting documentation specified in subsections (c)(1) through (c)(5) of this Section above.
- d) Agency approval of treatment:
  - 1) Based on consideration of available information including, where applicable, studies performed under subsection (c) of this Section above and a supplier's recommended treatment alternative the Agency must shall, by a SEP issued pursuant to Section 611.110, either approve the corrosion control treatment option recommended by the supplier, or deny and require investigation and recommendation of alternative corrosion control treatment; treatment(s) from among those listed in subsection (c)(1) of this Section above. When approving optimal treatment, the Agency must shall consider the effects that additional corrosion control treatment will have on water quality parameters and on other water quality treatment processes.
  - 2) The Agency must shall, in any SEP issued under subsection (d)(1) of this Section above, notify the supplier of the basis for this determination.
- e) Installation of optimal corrosion control. Each supplier must shall properly install and operate, throughout its distribution system, that optimal corrosion control treatment approved by the Agency pursuant to subsection (d) of this Section above.
- f) Agency review of treatment and specification of optimal water quality control parameters. The Agency must shall evaluate the results of all lead and copper tap samples and water quality parameter samples submitted by the supplier and determine whether it has properly

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- installed and operated the optimal corrosion control treatment approved pursuant to subsection (d) of this Section above.
- 1) Upon reviewing the results of tap water and water quality parameter monitoring by the supplier, both before and after the installation of optimal corrosion control treatment, the Agency must shall, by a SEP issued pursuant to Section 611.110, specify the following:
    - A) A a minimum value or a range of values for pH measured at each entry point to the distribution system;
    - B) A a minimum pH value, measured in all tap samples. Such value must shall be equal to or greater than 7.0, unless the Agency determines that meeting a pH level of 7.0 is not technologically feasible or is not necessary for the supplier to optimize corrosion control;
    - C) If if a corrosion inhibitor is used, a minimum concentration or a range of concentrations for the inhibitor, measured at each entry point to the distribution system and in all tap samples, that the Agency determines is necessary to form a passivating film on the interior walls of the pipes of the distribution system;
    - D) If if alkalinity is adjusted as part of optimal corrosion control treatment, a minimum concentration or a range of concentrations for alkalinity, measured at each entry point to the distribution system and in all tap samples;
    - E) If if calcium carbonate stabilization is used as part of corrosion control, a minimum concentration or a range of concentrations for calcium, measured in all tap samples.
  - 2) The values for the applicable water quality control parameters listed in subsection (f)(1) of this Section above must shall be those that the Agency determines reflect optimal corrosion control treatment for the supplier.
  - 3) The Agency may, by a SEP issued pursuant to Section 611.110, approve values for additional water quality control parameters determined by the Agency to reflect optimal corrosion control for the supplier's system.
  - 4) The Agency must shall, in issuing a SEP, explain these determinations to the supplier, along with the basis for its decisions.
  - g) Continued Operation and Monitoring. All suppliers optimizing corrosion control must continue to operate and maintain optimal corrosion control treatment, including maintaining water quality parameter values at or above minimum values or within ranges approved by the Agency under subsection (f) of this Section, in accordance with this subsection (g) for all samples collected under Section 611.357(d) through (f). Compliance with the requirements of this subsection (g) must be determined every six months, as specified under Section 611.357(d). A water system is out of compliance with the requirements of this subsection for a six-month period if it has excursions for any

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

Agency-specified parameter on more than nine days during the period. An excursion occurs whenever the daily value for one or more of the water quality parameters measured at a sampling location is below the minimum value or outside the range designated by the Agency. Daily values are calculated as provided in subsections (g)(1) through (g)(3) of this Section. The Agency must delete results that it determines are obvious sampling errors from this calculation.

1) On days when more than one measurement for the water quality parameter is collected at the sampling location, the daily value must be the average of all results collected during the day regardless of whether the samples are collected through continuous monitoring, grab sampling, or a combination of both. BOARD NOTE: Corresponding 40 CFR 141.82(g)(1) further provides as follows: If USEPA approves an alternative formula under 40 CFR 142.16 in the State's application for a program revision submitted pursuant to 40 CFR 142.12, the State's formula must be used to aggregate multiple measurements taken at a sampling point for the water quality parameter in lieu of the formula in the subsection.

2) On days when only one measurement for the water quality parameter is collected at the sampling location, the daily value must be the result of that measurement.

3) On days when no measurement is collected for the water quality parameter at the sampling location, the daily value must be the daily value calculated on the most recent day on which the water quality parameter was measured at the sample site.

1) All suppliers shall maintain water quality parameter values at or above minimum values or within ranges approved by the Agency under subsection (f) above in each sample collected under Section 611.357(d).

2) If the water quality parameter value of any sample is below the minimum value or outside the range approved by the Agency, then the supplier is out of compliance with subsection.

3) As specified in Section 611.357(d)(3), the supplier may take a confirmation sample for any water quality parameter value no later than 3 days after the first sample. If a confirmation sample is taken, the result must be averaged with the first sampling result, and the average must be used for any compliance determinations under this subsection. The Agency may delete results of obvious sampling errors from this calculation.

h) Modification of Agency treatment decisions.

1) On its own initiative, or in response to a request by a supplier, the Agency may, by a SEP issued pursuant to this subsection and Section 611.110, modify its determination of the optimal corrosion control treatment under subsection (d) of this Section above or of the optimal water quality control parameters under subsection (f) of this Section above.

2) A request for modification must be in writing, explain why the

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

modification is appropriate, and provide supporting documentation.

3) The Agency may modify its determination where it determines that such change is necessary to ensure that the supplier continues to optimize corrosion control treatment. A revised determination must set forth the new treatment requirements, explain the basis for the Agency's decision, and provide an implementation schedule for completing the treatment modifications.

4) Any interested person may submit information to the Agency bearing on whether the Agency should, within its discretion, issue a SEP to modify its determination pursuant to subsection (h)(1) of this Section above. An Agency determination not to act on a submission of such information by an interested person is not an Agency determination for the purposes of Sections 39 and 40 of the Act.

i) Treatment decisions by USEPA. Pursuant to the procedures in 40 CFR 142.19, the USEPA Regional Administrator has reserved the prerogative to review treatment determinations made by the Agency under subsections (d), (f), or (h) of this Section above and issue federal treatment determinations consistent with the requirements of 40 CFR 141.82(d), (e), or (h), where the Regional Administrator finds that the following is true:

1) The Agency has failed to issue a treatment determination by the applicable deadlines contained in Section 611.351 (40 CFR 141.81),

2) The Agency has abused its discretion in a substantial number of cases or in cases affecting a substantial population, or

3) The technical aspects of the Agency's determination would be indefensible in an expected federal enforcement action taken against a supplier.

BOARD NOTE: Derived from 40 CFR 141.82 (1999), as amended at 65

Fed. Reg. 2004 (Jan. 12, 2000) (1999).

(Source: Amended at 25 Ill. Reg. 1983 effective

## Section 611.354 Lead Service Line Replacement

a) Suppliers required to replace lead service lines.

1) If the results from tap samples taken pursuant to Section 611.356(d)(2) exceed the lead action level after the supplier has installed corrosion control or source water treatment (whichever sampling occurs later), the supplier must recommence replacing leading service lines in accordance with the requirements of subsection (b) of this Section below.

2) If a supplier is in violation of Section 611.351 or Section 611.353 for failure to install source water or corrosion control treatment, the Agency may, by a SEP issued pursuant to Section



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

611.110, require the supplier to commence lead service line replacement under this Section after the date by which the supplier was required to conduct monitoring under Section 611.356(d)(2) has passed.

## b) Annual replacement of lead service lines.

1) A supplier required to commence lead service line replacement pursuant to subsection (a) of this Section must ~~above-shall~~ annually replace at least seven 7 percent of the initial number of lead service lines in its distribution system.

2) The initial number of lead service lines is the number of lead lines in place at the time the replacement program begins.

3) The supplier must ~~shall~~ identify the initial number of lead service lines in its distribution system, including an identification of the portions of the system owned by the supplier, based on a materials evaluation, including the evaluation required under Section 611.356(a) and relevant legal authorities (e.g. contracts, local ordinances) regarding the portion owned by the system.

4) The first year of lead service line replacement must ~~shall~~ begin on the date the supplier exceeded the action level in tap sampling referenced in subsection (a) of this Section ~~above~~.

c) Service lines not needing replacement. A supplier is not required to replace any individual lead service line for which the lead concentrations in all service line samples taken from that line pursuant to Section 611.356(b)(3) are less than or equal to 0.015 mg/L.

d) A water supplier must replace that portion of the lead service line that it owns. In cases where the supplier does not own the entire lead service line, the supplier must notify the owner of the line, or the owner's authorized agent, that the supplier will replace the portion of the service line that it owns and must offer to replace the owner's portion of the line. A supplier is not required to bear the cost of replacing the privately-owned portion of line, nor is it required to replace the privately-owned portion where the owner chooses not to pay the cost of replacing the privately-owned portion would be precluded by State, local or common law. A water supplier that does not replace the entire length of the service line also must complete the following tasks:

## 1) Notice Prior to Commencement of Work.

A) At least 45 days prior to commencing the partial replacement of a lead service line, the water supplier must provide notice to the residents of all buildings served by the line explaining that they may experience a temporary increase of lead levels in their drinking water, along with guidance on measures consumers can take to minimize their exposure to lead.

B) The Agency, by issuing an appropriate SEP, may allow the water supplier to provide notice under the previous sentence

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

less than 45 days prior to commencing partial lead service line replacement where it determines that such replacement is in conjunction with emergency repairs.

C) In addition, the water supplier must inform the residents served by the line that the supplier will, at the supplier's expense, collect a sample from each partially-replaced lead service line that is representative of the water in the service line for analysis of lead content, as prescribed by Section 611.356(b)(3), within 72 hours after the completion of the partial replacement of the service line. The supplier must collect the sample and report the results of the analysis to the owner and the residents served by the line within three business days of receiving the results. Mailed notices post-marked within three business days of receiving the results must be considered "on time".

2) The water supplier must provide the information required by subsection (d)(1) of this Section to the residents of individual dwellings by mail or by other methods approved by the Agency by a SEP issued pursuant to Section 611.110. In instances where multi-family dwellings are served by the service line, the water supplier must have the option to post the information at a conspicuous location.

## d) Replacement of service line.

1) A supplier required to replace a lead service line pursuant to subsection (a) above shall replace the entire service line (up to the building inlet) unless the Agency determines pursuant to subsection (e) below that the supplier controls less than the entire service line.

2) Replacement of less than the entire service line.

A) Where the Agency has determined that the supplier controls less than the entire service line, the supplier shall replace that portion of the line that the Agency determines is under the supplier's control.

B) The supplier that will replace less than the entire service line shall notify the user served by the line that the supplier will replace that portion of the service line under its control, and the supplier shall offer to replace the remaining portion of the service line that is under the building owner's control.

C) The supplier required to replace less than the entire service line is not required to bear the cost of replacing any portion of the service line that is under the building owner's control.

B) Offer to collect samples.

1) For buildings where only a portion of the lead service line is replaced, the supplier shall inform the residents that the supplier will collect a first draw tap water sample after partial replacement of the

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

service--line--is--completed--if--the--resident(s)--so desire--  
 ii) in--cases--where--the--resident(s)--accept--the--offer--the supplier--shall--collect--the--sample--and--report--the results--to--the--resident(s)--within--14--days--following partial--lead--service--line--replacement--

## e) Control-of-entire-service-line-

ii) A--supplier--is--presumed--to--control--the--entire--lead--service--line (up--to--the--building--inlet)--unless--the--supplier--demonstrates--to the--satisfaction--of--the--Agency--in--a--letter--submitted--under Section--611-360(e)(4)--that--it--does--not--have--any--of--the--following forms--of--control--over--the--entire--line--(as--defined--by--state statutes--municipal--ordinances--public--service--contracts--or--other applicable--legal--authority):  
 A) authority--to--set--standards--for--construction--repair--or maintenance--of--the--line;  
 B) authority--to--replace--repair--or--maintain--the--service--line;  
 or  
 C) ownership--of--the--service--line.

## 2) Agency-determinations:

A) The--Agency--shall--review--the--information--provided--by--the supplier--and--determine--the--following:

i) whether--the--supplier--controls--less--than--the--entire service--line--and  
 ii) where--the--supplier--controls--less--than--the--entire service--line--the--Agency--shall--determine--the--extent--of the--supplier's--control.

B) The--Agency--shall--make--its--determination--of--the--extent--of--a supplier's--control--of--a--service--line--as--a--SEP--pursuant--to Section--611-110--and--the--Agency--shall--explain--the--basis--for its--determination.

BOARD--NOTE:--See--Section--611-360(e)(4)--and--the--Board--Note that--follows--the--court--in--American--Water--Works--Association v--EPA--46-P-3d-1266-19-G-61r-1994--vacated--8-5--BPA's definition--of--"control"--to--the--extent--it--would--require--the supplier--to--exercise--control--over--a--privately--owned--service connection.---The--Board--does--not--intend--that--the--Illinois definition--give--the--State--regulations--more--effect--than--the federal--definition--gives--the--U-S--BPA--regulations.

ef) Agency determination of shorter replacement schedule.

1) The Agency must shall, by a SEP issued pursuant to Section 611.110, require a supplier to replace lead service lines on a shorter schedule than that otherwise required by this Section if it determines, taking into account the number of lead service lines in the system, that such a shorter replacement schedule is feasible.

2) The Agency must shall notify the supplier of its finding pursuant to subsection (e)(1) of this Section ~~that~~ above within 6

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

months after the supplier is triggered into lead service line replacement based on monitoring, as referenced in subsection (a) of this Section above.

fg) Cessation of service line replacement.

1) Any supplier may cease replacing lead service lines whenever it fulfills both of the following conditions:

A) First first draw tap samples collected pursuant to Section 611.356(b)(2) meet the lead action level during each of two consecutive six-month monitoring periods, and

B) The the supplier has submitted those results to the Agency.

2) If any of the supplier's first draw tap samples thereafter exceed the lead action level, the supplier must shall recommence replacing lead service lines pursuant to subsection (b) of this Section above.

gh) To demonstrate compliance with subsections (a) through (d) of this Section above, a supplier must shall report to the Agency the information specified in Section 611.360(e).

BOARD NOTE: Derived from 40 CFR 141.84 (1999), as amended at 65 Fed. Reg. 2005 (Jan. 12, 2000) (1994).

(Source: Amended at 25 Ill. Reg. 1829 7 effective Jan 1 1997)

## Section 611.355 Public Education and Supplemental Monitoring

A supplier that exceeds the lead action level based on tap water samples collected in accordance with Section 611.356 must shall deliver the public education materials required by subsections (a) and (b) of this Section below in accordance with the requirements of subsection (c) of this Section below.

a) Content of written materials.

1) Community water systems. A CWS supplier must shall include the text set forth in Section 611-Appendix E of this Part in all of the printed materials it distributes through its lead public education program. A supplier may delete information pertaining to lead service lines, upon approval by the Agency by a SEP issued pursuant to Section 611.110, if no lead service lines exist anywhere in the water system service area. Public education language at paragraphs (4)(B)(5) and (4)(D)(2) of Appendix E of this Part may be modified regarding building permit record availability and consumer access to these records, if approved by the Agency by SEP issued pursuant to Section 611.110. A supplier may also continue to utilize pre-printed materials that meet the public education language requirements in 40 CFR 141.85 (1991). Any additional information presented by a supplier must shall be consistent with the information in Section 611-Appendix E of this Part and be in plain English that can be understood by lay persons in persons.

BOARD NOTE: At corresponding 40 CFR 141.85 (a)(1) (1999), as

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

amended at 65 Fed. Reg. 2005 (Jan. 12, 2000), USEPA allowed the use of pre-printed copies of the public notices whose content met the requirements of the original lead and copper rule adopted on June 7, 1991 (56 Fed. Reg. 26548). Rather than reference a prior version of this Section of the Illinois rules, the Board has retained the federal reference to the prior requirements in this subsection (a)(1).

- 2) Non-transient non-community water systems. A NTNCWS must either include the text specified in subsection (a)(1) of this Section or must include the text set forth in Appendix F of this Part in all of the printed materials it distributes through its lead public education program. A water supplier may delete information pertaining to lead service lines upon approval by the Agency by a SEP issued pursuant to Section 611.110 if no lead service lines exist anywhere in the water system service area. Any additional information presented by a supplier must be consistent with the information below and be in plain English that can be understood by lay persons.

- b) Content of broadcast materials. A supplier must ~~shall~~ include the following information in all public service announcements submitted under its lead public education program to television and radio stations for broadcast:

- 1) Why should everyone want to know the facts about lead and drinking water? Because unhealthy amounts of lead can enter drinking water through the plumbing in your home. That's why I urge you to do what I did. I had my water tested for (insert free or \$ per sample). You can contact the (insert the name of the city or supplier) for information on testing and on simple ways to reduce your exposure to lead in drinking water.

- 2) To have your water tested for lead, or to get more information about this public health concern, please call (insert the phone number of the city or supplier).

- c) Delivery of a public education program.

- 1) In communities where a significant proportion of the population speaks a language other than English, public education materials must ~~shall~~ be communicated in the appropriate languages ~~languages~~.

- 2) A CWS supplier that exceeds the lead action level on the basis of tap water samples collected in accordance with Section 611.356 and which is not already repeating public education tasks pursuant to subsection (c)(3), (c)(7), or (c)(8) of this Section must ~~shall~~, within 60 days do each of the following:

- A) Insert ~~insert~~ notices in each customer's water utility bill or disseminate to each customer by separately mailing a notice containing the information required by subsection (a)(1) of this Section ~~above~~, along with the following alert in large print on the water bill itself: "SOME HOMES IN THIS COMMUNITY HAVE ELEVATED LEAD LEVELS IN THEIR DRINKING

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

WATER. LEAD CAN POSE A SIGNIFICANT RISK TO YOUR HEALTH. PLEASE READ THE ENCLOSED NOTICE FOR FURTHER INFORMATION." A CWS supplier having a billing cycle that does not include a billing within 60 days is exceeding the action level or a CWS supplier that cannot insert information in the water utility bill without making major changes to its billing system may use a separate mailing to deliver the information in subsection (a)(1) of this Section, as long as the information is delivered to each customer within 60 days of exceeding the action level. Such a water supplier must also include the "alert" language specified in this subsection (c)(2)(A);

- B) Submit ~~submit~~ the information required by subsection (a)(1) of this Section ~~above~~ to the editorial departments of the major daily and weekly newspapers circulated throughout the community;

- C) Deliver ~~deliver~~ pamphlets or brochures that contain the public education materials in ~~subsections~~ paragraphs ~~(a)(2)~~ and ~~(a)(4)~~ of Appendix E of this Part ~~above~~ to facilities and organizations, including the following:

- i) Public ~~public~~ schools or local school boards;
- ii) The ~~the~~ city or county health department;
- iii) Women, Infants, and Children (WIC) and Head Start programs ~~program~~, whenever available;
- iv) Public ~~public~~ and private hospitals and clinics;
- v) Pediatricians ~~pediatricians~~;
- vi) Family ~~family~~ planning clinics; and
- vii) Local ~~local~~ welfare agencies; and

- D) Submit ~~submit~~ the public service announcement in subsection (b) of this Section ~~above~~ to at least five of the radio and television stations with the largest audiences within the community served by the supplier.

- 3) A CWS supplier must ~~shall~~ repeat the tasks contained in subsections (c)(2)(A) through (c)(2)(D) of this Section ~~above~~ for as long as the supplier exceeds the lead action level, at the following minimum frequency:

- A) Those ~~those~~ of subsections (c)(2)(A) through (c)(2)(C) of this Section ~~above~~; every 12 months, and
- B) Those ~~those~~ of subsection (c)(2)(D) of this Section ~~above~~ every six 6 months.

- 4) Within 60 days after it exceeds the lead action level (unless it already is repeating public education tasks pursuant to subsection (c)(5) of this Section), a NTNCWS supplier must ~~shall~~ deliver the public education materials contained in Appendix E or F of this Part, Section--611-Appendix--B-(a)-(b)-(c)-(d)-(e)-(f)-(g)-(h)-(i)-(j)-(k)-(l)-(m)-(n)-(o)-(p)-(q)-(r)-(s)-(t)-(u)-(v)-(w)-(x)-(y)-(z)-(aa)-(ab)-(ac)-(ad)-(ae)-(af)-(ag)-(ah)-(ai)-(aj)-(ak)-(al)-(am)-(an)-(ao)-(ap)-(aq)-(ar)-(as)-(at)-(au)-(av)-(aw)-(ax)-(ay)-(az)-(ba)-(bb)-(bc)-(bd)-(be)-(bf)-(bg)-(bh)-(bi)-(bj)-(bk)-(bl)-(bm)-(bn)-(bo)-(bp)-(bq)-(br)-(bs)-(bt)-(bu)-(bv)-(bw)-(bx)-(by)-(bz)-(ca)-(cb)-(cc)-(cd)-(ce)-(cf)-(cg)-(ch)-(ci)-(cj)-(ck)-(cl)-(cm)-(cn)-(co)-(cp)-(cq)-(cr)-(cs)-(ct)-(cu)-(cv)-(cw)-(cx)-(cy)-(cz)-(da)-(db)-(dc)-(dd)-(de)-(df)-(dg)-(dh)-(di)-(dj)-(dk)-(dl)-(dm)-(dn)-(do)-(dp)-(dq)-(dr)-(ds)-(dt)-(du)-(dv)-(dw)-(dx)-(dy)-(dz)-(ea)-(eb)-(ec)-(ed)-(ee)-(ef)-(eg)-(eh)-(ei)-(ej)-(ek)-(el)-(em)-(en)-(eo)-(ep)-(eq)-(er)-(es)-(et)-(eu)-(ev)-(ew)-(ex)-(ey)-(ez)-(fa)-(fb)-(fc)-(fd)-(fe)-(ff)-(fg)-(fh)-(fi)-(fj)-(fk)-(fl)-(fm)-(fn)-(fo)-(fp)-(fq)-(fr)-(fs)-(ft)-(fu)-(fv)-(fw)-(fx)-(fy)-(fz)-(ga)-(gb)-(gc)-(gd)-(ge)-(gf)-(gg)-(gh)-(gi)-(gj)-(gk)-(gl)-(gm)-(gn)-(go)-(gp)-(gq)-(gr)-(gs)-(gt)-(gu)-(gv)-(gw)-(gx)-(gy)-(gz)-(ha)-(hb)-(hc)-(hd)-(he)-(hf)-(hg)-(hh)-(hi)-(hj)-(hk)-(hl)-(hm)-(hn)-(ho)-(hp)-(hq)-(hr)-(hs)-(ht)-(hu)-(hv)-(hw)-(hx)-(hy)-(hz)-(ia)-(ib)-(ic)-(id)-(ie)-(if)-(ig)-(ih)-(ii)-(ij)-(ik)-(il)-(im)-(in)-(io)-(ip)-(iq)-(ir)-(is)-(it)-(iu)-(iv)-(iw)-(ix)-(iy)-(iz)-(ja)-(jb)-(jc)-(jd)-(je)-(jf)-(jg)-(jh)-(ji)-(jj)-(jk)-(jl)-(jm)-(jn)-(jo)-(jp)-(jq)-(jr)-(js)-(jt)-(ju)-(jv)-(jw)-(jx)-(jy)-(jz)-(ka)-(kb)-(kc)-(kd)-(ke)-(kf)-(kg)-(kh)-(ki)-(kj)-(kk)-(kl)-(km)-(kn)-(ko)-(kp)-(kq)-(kr)-(ks)-(kt)-(ku)-(kv)-(kw)-(kx)-(ky)-(kz)-(la)-(lb)-(lc)-(ld)-(le)-(lf)-(lg)-(lh)-(li)-(lj)-(lk)-(ll)-(lm)-(ln)-(lo)-(lp)-(lq)-(lr)-(ls)-(lt)-(lu)-(lv)-(lw)-(lx)-(ly)-(lz)-(ma)-(mb)-(mc)-(md)-(me)-(mf)-(mg)-(mh)-(mi)-(mj)-(mk)-(ml)-(mm)-(mn)-(mo)-(mp)-(mq)-(mr)-(ms)-(mt)-(mu)-(mv)-(mw)-(mx)-(my)-(mz)-(na)-(nb)-(nc)-(nd)-(ne)-(nf)-(ng)-(nh)-(ni)-(nj)-(nk)-(nl)-(nm)-(no)-(np)-(nq)-(nr)-(ns)-(nt)-(nu)-(nv)-(nw)-(nx)-(ny)-(nz)-(oa)-(ob)-(oc)-(od)-(oe)-(of)-(og)-(oh)-(oi)-(oj)-(ok)-(ol)-(om)-(on)-(oo)-(op)-(oq)-(or)-(os)-(ot)-(ou)-(ov)-(ow)-(ox)-(oy)-(oz)-(pa)-(pb)-(pc)-(pd)-(pe)-(pf)-(pg)-(ph)-(pi)-(pj)-(pk)-(pl)-(pm)-(pn)-(po)-(pp)-(pq)-(pr)-(ps)-(pt)-(pu)-(pv)-(pw)-(px)-(py)-(pz)-(ra)-(rb)-(rc)-(rd)-(re)-(rf)-(rg)-(rh)-(ri)-(rj)-(rk)-(rl)-(rm)-(rn)-(ro)-(rp)-(rq)-(rr)-(rs)-(rt)-(ru)-(rv)-(rw)-(rx)-(ry)-(rz)-(sa)-(sb)-(sc)-(sd)-(se)-(sf)-(sg)-(sh)-(si)-(sj)-(sk)-(sl)-(sm)-(sn)-(so)-(sp)-(sq)-(sr)-(ss)-(st)-(su)-(sv)-(sw)-(sx)-(sy)-(sz)-(ta)-(tb)-(tc)-(td)-(te)-(tf)-(tg)-(th)-(ti)-(tj)-(tk)-(tl)-(tm)-(tn)-(to)-(tp)-(tq)-(tr)-(ts)-(tt)-(tu)-(tv)-(tw)-(tx)-(ty)-(tz)-(ua)-(ub)-(uc)-(ud)-(ue)-(uf)-(ug)-(uh)-(ui)-(uj)-(uk)-(ul)-(um)-(un)-(uo)-(up)-(uq)-(ur)-(us)-(ut)-(uu)-(uv)-(uw)-(ux)-(uy)-(uz)-(va)-(vb)-(vc)-(vd)-(ve)-(vf)-(vg)-(vh)-(vi)-(vj)-(vk)-(vl)-(vm)-(vn)-(vo)-(vp)-(vq)-(vr)-(vs)-(vt)-(vu)-(vv)-(vw)-(vx)-(vy)-(vz)-(wa)-(wb)-(wc)-(wd)-(we)-(wf)-(wg)-(wh)-(wi)-(wj)-(wk)-(wl)-(wm)-(wn)-(wo)-(wp)-(wq)-(wr)-(ws)-(wt)-(wu)-(wv)-(ww)-(wx)-(wy)-(wz)-(xa)-(xb)-(xc)-(xd)-(xe)-(xf)-(xg)-(xh)-(xi)-(xj)-(xk)-(xl)-(xm)-(xn)-(xo)-(xp)-(xq)-(xr)-(xs)-(xt)-(xu)-(xv)-(xw)-(xx)-(xy)-(xz)-(ya)-(yb)-(yc)-(yd)-(ye)-(yf)-(yg)-(yh)-(yi)-(yj)-(yk)-(yl)-(ym)-(yn)-(yo)-(yp)-(yq)-(yr)-(ys)-(yt)-(yu)-(yv)-(yw)-(yx)-(yy)-(yz)-(za)-(zb)-(zc)-(zd)-(ze)-(zf)-(zg)-(zh)-(zi)-(zj)-(zk)-(zl)-(zm)-(zn)-(zo)-(zp)-(zq)-(zr)-(zs)-(zt)-(zu)-(zv)-(zw)-(zx)-(zy)-(zz)

- A) Post ~~post~~ informational posters on lead in drinking water in a public place or common area in each of the buildings



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- served by the supplier; and
- B) Distribute ~~disburse~~ informational pamphlets or brochures on lead in drinking water to each person served by the NTCWS supplier. The Agency may, by a SEP granted pursuant to Section 611.110, allow the system to utilize electronic transmission in lieu of or combined with printed materials as long as it achieves at least the same coverage.
- 5) A NTCWS supplier must ~~shall~~ repeat the tasks contained in subsection (c)(4) of this Section ~~above~~ at least once during each calendar year in which the supplier exceeds the lead action level.
- 6) A supplier may discontinue delivery of public education materials after it has met the lead action level during the most recent six-month monitoring period conducted pursuant to Section 611.356. Such a supplier must ~~shall~~ begin public education anew in accordance with this Section if it subsequently exceeds the lead action level during any six-month monitoring period.
- 7) A CWS supplier may apply to the Agency, in writing, to use the text specified in Appendix F of this Part in lieu of the text in Appendix E of this Part and to perform the tasks listed in subsections (c)(4) and (c)(5) of this Section in lieu of the tasks in subsections (c)(2) and (c)(3) of this Section if:
- A) The supplier is a facility, such as a prison or a hospital, where the population served is not capable of or is prevented from making improvements to plumbing or installing point of use treatment devices; and
- B) The system provides water as part of the cost of services provided, and it does not separately charge for water consumption.
- 8) Reduced requirements for certain smaller CWS suppliers.
- A) A CWS supplier serving 3,300 or fewer people may omit the task contained in subsection (c)(2)(D) of this Section. As long as it distributes notices containing the information contained in Appendix E of this Part to every household served by the system, such a supplier may further limit its public education program as follows:
- i) A supplier serving 500 or fewer people may forego the task contained in subsection (c)(2)(B) of this Section. Such a system may limit the distribution of the public education materials required under subsection (c)(2)(C) of this Section to facilities and organizations served by the supplier that are most likely to be visited regularly by pregnant women and children, unless it is notified by the Agency in writing that it must make a broader distribution.
- ii) If approved by the Agency by a SEP issued pursuant to Section 611.110, a system serving 501 to 3,300 people may omit the task in subsection (c)(2)(B) of this

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- Section or limit the distribution of the public education materials required under subsection (c)(2)(C) of this Section to facilities and organizations served by the system that are most likely to be visited regularly by pregnant women and children.
- B) A CWS supplier serving 3,300 or fewer people that delivers public education in accordance with subsection (c)(8)(A) of this Section must repeat the required public education tasks at least once during each calendar year in which the supplier exceeds the lead action level.
- d) Supplemental monitoring and notification of results. A supplier that fails to meet the lead action level on the basis of tap samples collected in accordance with Section 611.356 must ~~shall~~ offer to sample the tap water of any customer who requests it. The supplier is not required to pay for collecting or analyzing the sample, nor is the supplier required to collect and analyze the sample itself.
- BOARD NOTE: Derived from 40 CFR 141.85 (1999), as amended at 65 Fed. Reg. 2005 (Jan. 12, 2000) (1999).

(Source: Amended at 25 Ill. Reg. 13 2 0 7 effective 1/1/01)

## Section 611.356 Tap Water Monitoring for Lead and Copper

## a) Sample site location.

- 1) Selecting a pool of targeted sampling sites.

- A) By the applicable date for commencement of monitoring under subsection (d)(1) of this Section ~~below~~, each supplier must ~~shall~~ complete a materials evaluation of its distribution system in order to identify a pool of targeted sampling sites that meets the requirements of this Section.
- B) The pool of targeted sampling sites must be sufficiently large to ensure that the supplier can collect the number of lead and copper tap samples required by subsection (c) of this Section ~~below~~.
- C) The supplier must select the sites for collection of first draw samples from this pool of targeted sampling sites.
- D) The supplier must ~~shall~~ not select as sampling sites any faucets that have point-of-use or point-of-entry treatment devices designed to remove or capable of removing inorganic contaminants.
- 2) Materials evaluation.
- A) A supplier must ~~shall~~ use the information on lead, copper, and galvanized steel collected pursuant to 40 CFR 141.42(d) (special monitoring for corrosivity characteristics) when conducting a materials evaluation.

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- B) When an evaluation of the information collected pursuant to 40 CFR 141.42(d) is insufficient to locate the requisite number of lead and copper sampling sites that meet the targeting criteria in subsection (a) of this Section above, the supplier must shall review the following sources of information in order to identify a sufficient number of sampling sites:

- i) All all plumbing codes, permits, and records in the files of the building departments departments that indicate the plumbing materials that are installed within publicly- and privately-owned structures connected to the distribution system;
- ii) All all inspections and records of the distribution system that indicate the material composition of the service connections which connect a structure to the distribution system;
- iii) All all existing water quality information, which includes the results of all prior analyses of the system or individual structures connected to the system, indicating locations that may be particularly susceptible to high lead or copper concentrations; and
- iv) The the supplier must shall seek to collect such information where possible in the course of its normal operations (e.g., checking service line materials when reading water meters or performing maintenance activities).

- 3) Tiers of sampling sites. Suppliers must shall categorize the sampling sites within their pool according to the following tiers:

- A) CWS Tier 1 sampling sites. "CWS Tier 1 sampling sites" must shall include the following single-family structures:

- i) Those those that contain copper pipes with lead solder installed after 1982 or which contain lead pipes; or
- ii) Those those that are served by a lead service line.

BOARD NOTE: Subsection (a)(3)(A) was derived from segments of 40 CFR 141.86(a)(3) (1999). This allows the pool of CWS tier 1 sampling sites to consist exclusively of structures served by lead service lines.

- B) CWS Tier 2 sampling sites. "CWS Tier 2 sampling sites" must shall include the following buildings, including multiple-family structures:

- i) Those those that contain copper pipes with lead solder installed after 1982 or contain lead pipes; or
- ii) Those those that are served by a lead service line.

BOARD NOTE: Subsection (a)(3)(B) was derived from segments of 40 CFR 141.86(a)(4) (1999). This allows the pool of CWS tier 2 sampling sites to consist

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

exclusively of structures served by lead service lines.

- C) CWS Tier 3 sampling sites. "CWS Tier 3 sampling sites" must shall include the following single-family structures: those that contain copper pipes with lead solder installed before 1983.

BOARD NOTE: Subsection (a)(3)(c) was derived from segments of 40 CFR 141.86(a)(5) (1999).

- D) NTNCWS Tier 1 sampling sites. "NTNCWS Tier 1 sampling sites" must shall include the following buildings:

- i) Those those that contain copper pipes with lead solder installed after 1982 or which contain lead pipes; or
- ii) Those those that are served by a lead service line.

BOARD NOTE: Subsection (a)(3)(D) was derived from segments of 40 CFR 141.86(a)(6) (1999). This allows the pool of NTNCWS tier 1 sampling sites to consist exclusively of buildings served by lead service lines.

- E) Alternative NTNCWS sampling sites. "Alternative NTNCWS sampling sites" must shall include the following buildings: those that contain copper pipes with lead solder installed before 1983.

BOARD NOTE: Subsection (a)(3)(E) was derived from segments of 40 CFR 141.86(a)(7) (1999).

- 4) Selection of sampling sites. Suppliers must shall select sampling sites for their sampling pool as follows:

- A) CWS Suppliers. CWS Suppliers must shall use CWS tier 1 sampling sites, except that the supplier may include CWS tier 2 or CWS tier 3 sampling sites in its sampling pool as follows:

- i) If multiple-family residences comprise at least 20 percent of the structures served by a supplier, the supplier may use CWS tier 2 sampling sites in its sampling pool; or

BOARD NOTE: Subsection (a)(4)(A)(i) was derived from a segment of 40 CFR 141.86(a)(3)(ii) (1999).

- ii) If the CWS supplier has an insufficient number of CWS tier 1 sampling sites on its distribution system, the supplier may use CWS tier 2 sampling sites in its sampling pool; or

BOARD NOTE: Subsection (a)(4)(A)(ii) was derived from a segment of 40 CFR 141.86(a)(4) (1999).

- iii) If fewer--than-20-percent-of-the-structures-served-by the-supplier-are-multiple-family-residences--and the CWS supplier has an insufficient number of CWS tier 1 and CWS tier 2 sampling sites on its distribution system, the supplier may complete its sampling pool with CWS tier 3 sampling sites.

BOARD NOTE: Subsection (a)(4)(A)(iii) was derived



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- from a segment of 40 CFR 141.86(a)(5) (1999).
- iv) If the CWS supplier has an insufficient number of CWS tier 1 sampling sites, CWS tier 2 sampling sites, and CWS tier 3 sampling sites, the supplier must ~~shall~~ use those CWS tier 1 sampling sites, CWS tier 2 sampling sites, and CWS tier 3 sampling sites that it has, and complete its sampling ~~the--supplier--shall--randomly select--an--additional~~ pool with of representative sites throughout on its distribution system for the balance of its sampling sites. For the purpose of this subsection (a)(4)(A)(iv), a representative site is a site in which the plumbing materials used at that site would be commonly found at other sites served by the water system.
- BOARD NOTE: Subsection (a)(4)(A)(iv) was derived from a segment of 40 CFR 141.86(a)(5) (1999), as amended at 65 Fed. Reg. 2007 (Jan. 12, 2000).

## B)

- NTNCWS suppliers.
- i) An NTNCWS supplier must ~~shall~~ select NTNCWS tier 1 sampling sites for its sampling pool, ~~except--if--the NTNCWS--supplier--has--an--insufficient--number--of--complete its--sampling--pool--with--an--alternative--NTNCWS--sampling sites~~.
- BOARD NOTE: Subsection (a)(4)(B)(i) was derived from segments of 40 CFR 141.86(a)(6) (1999).
- ii) If the NTNCWS supplier has an insufficient number of NTNCWS tier 1 sampling sites, the supplier may complete its sampling pool with alternative NTNCWS sampling sites.
- BOARD NOTE: Subsection (a)(4)(B)(ii) was derived from segments of 40 CFR 141.86(a)(7) (1999).
- iii) If the NTNCWS supplier has an insufficient number of NTNCWS tier 1 sampling sites and NTNCWS alternative sampling sites, the supplier must ~~shall~~ use those NTNCWS--tier--1--sampling--sites--and--NTNCWS--alternative sampling--sites--that--it--has--and--the--supplier--shall randomly--select--an--additional--pool--of--representative sites throughout its distribution system for--the balance--of--its--sampling--sites. For the purpose of this subsection (a)(4)(B)(ii), a representative site is a site in which the plumbing materials used at that site would be commonly found at other sites served by the water system.
- BOARD NOTE: Subsection (a)(4)(B)(iii) was derived from segments of 40 CFR 141.86(a)(7) (1999), as amended at 65 Fed. Reg. 2007 (Jan. 12, 2000).
- Et) Agency-submission-by-suppliers-with-an-insufficient-number of-CWS-or-NTNCWS-tier-1-sampling-sites.

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- ii) Any-CWS-or-NTNCWS-supplier-whose-sampling-pool--does not--include--a--sufficient-number-of-sites--to--consist exclusively-of-CWS-tier-1--sampling--sites--or--NTNCWS tier--1-sampling-sites--as-appropriate--shall-submit-a letter-to-the-Agency-under-Section-611.360(a)(2)--that demonstrates--why--a-review-of-the-information-listed-in subsection--(a)(2)--above--was--inadequate--to--locate--a sufficient-number-of-CWS--tier-1-sampling--sites--or NTNCWS-tier-1-sampling-sites.
- iii) Any-CWS-supplier--that--wants--to--include-CWS-tier-3 sampling-sites--in--its--sampling-pool--shall--demonstrate in--a--letter--to--the-Agency--why--it--was--unable--to--locate a-sufficient-number-of-CWS-tier-1-sampling--sites--and CWS-tier-2-sampling-sites.
- iii) If--the--Agency--determines--based-on-the-information submitted--pursuant--to--subsection--(a)(4)(B)(i)--or (a)(4)(B)(ii)--above--that--either--the--information--was inadequate--to--locate--a-sufficient-number-of-CWS-tier-1 sampling-sites--or--NTNCWS-tier-1-sampling-sites--or that--the--supplier--was--unable--to--locate--a-sufficient number-of-CWS-tier-1-sampling-sites--and--CWS-tier-2 sampling-sites--the--Agency--shall--issue--a-SBP--to--the supplier--pursuant--to--Section-611.110--that--allows--it--to use-CWS-tier-2-sampling-sites--NTNCWS-tier-2--sampling sites--or--CWS-tier-3-sampling-sites--as-appropriate.
- Suppliers with lead service lines. Any supplier whose distribution system contains lead service lines must ~~shall~~ draw samples during each six-month monitoring period from sampling sites as follows:
- i) 50 percent of the samples from sampling sites that contain lead pipes or from sampling sites that have copper pipes with lead solder, and
- ii) 50 percent of those samples from sites served by a lead service line.
- iii) A supplier that cannot identify a sufficient number of sampling sites served by a lead service line must collect first-draw samples from all of the sites identified as being served by such lines ~~shall demonstrate--in--a--letter--to--the--Agency--under--Section 611.360(a)(4)--that--it--was--unable--to--locate--a sufficient-number-of-such-sites.~~
- iv) If--the-Agency--determines--based-on--the--information submitted--pursuant--to--subsection--(a)(4)(B)(ii)--above--that--a--supplier--that--cannot--identify--a-sufficient number-of-sampling-sites--served--by--a--lead--service line--the--Agency--shall--issue--a-SBP--to--the-supplier pursuant--to--Section-611.110--that--allows--it--to--collect first-draw-samples--from--all--of--the--sites--on--its

## C)

Suppliers with lead service lines. Any supplier whose distribution system contains lead service lines must ~~shall~~ draw samples during each six-month monitoring period from sampling sites as follows:

- i) 50 percent of the samples from sampling sites that contain lead pipes or from sampling sites that have copper pipes with lead solder, and
- ii) 50 percent of those samples from sites served by a lead service line.
- iii) A supplier that cannot identify a sufficient number of sampling sites served by a lead service line must collect first-draw samples from all of the sites identified as being served by such lines ~~shall demonstrate--in--a--letter--to--the--Agency--under--Section 611.360(a)(4)--that--it--was--unable--to--locate--a sufficient-number-of-such-sites.~~
- iv) If--the-Agency--determines--based-on--the--information submitted--pursuant--to--subsection--(a)(4)(B)(ii)--above--that--a--supplier--that--cannot--identify--a-sufficient number-of-sampling-sites--served--by--a--lead--service line--the--Agency--shall--issue--a-SBP--to--the-supplier pursuant--to--Section-611.110--that--allows--it--to--collect first-draw-samples--from--all--of--the--sites--on--its

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

**distribution-system-identified-as-being-served-by-such times.**

BOARD NOTE: Subsection (a)(4)(C) was derived from segments of 40 CFR 141.86(a)(8) (1999), as renumbered and amended at 65 Fed. Reg. 2007 (Jan. 12, 2000). This allows the pool of sampling sites to consist exclusively of structures or buildings served by lead service lines.

## b) Sample collection methods.

1) All tap samples for lead and copper collected in accordance with this Subpart, with the exception of lead service line samples collected under Section 611.354(c) and samples collected under subsection (b)(5) of this Section, must shall be first-draw samples.

## 2) First-draw tap samples.

A) Each first-draw tap sample for lead and copper must shall be one liter in volume and have stood motionless in the plumbing system of each sampling site for at least six hours.

B) First-draw samples from residential housing must shall be collected from the cold water kitchen tap or bathroom sink tap.

C) First-draw samples from a non-residential building must shall be one liter in volume and must be collected at an interior tap from which water is typically drawn for consumption.

D) Non-first-draw samples collected in lieu of first-draw samples pursuant to subsection (b)(5) of this Section must be one liter in volume and must be collected at an interior tap from which water is typically drawn for consumption.

E) First-draw samples may be collected by the supplier or the supplier may allow residents to collect first-draw samples after instructing the residents of the sampling procedures specified in this subsection (b).

i) To avoid problems of residents handling nitric acid, acidification of first-draw samples may be done up to 14 days after the sample is collected.

ii) After acidification to resububilize the metals, if the first-draw sample is not acidified--immediately--after collection--then the sample must stand in the original container for the time specified in the approved USEPA method before the sample can be analyzed at least 20 hours after acidification.

F) If a supplier allows residents to perform sampling under subsection (b)(2)(D) of this Section above, the supplier may not challenge the accuracy of sampling results based on alleged errors in sample collection.

## 3) Service line samples.

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

A) Each service line sample must shall be one liter in volume and have stood motionless in the lead service line for at least six hours.

B) Lead service line samples must shall be collected in one of the following three ways:

i) At at the tap after flushing that volume of water calculated as being between the tap and the lead service line based on the interior diameter and length of the pipe between the tap and the lead service line;

ii) Tapping tapping directly into the lead service line;

or

iii) If the sampling site is a single-family structure, allowing the water to run until there is a significant change in temperature that would be indicative of water that has been standing in the lead service line.

## 4) Follow-up first-draw tap samples.

A) A supplier must shall collect each follow-up first-draw tap sample from the same sampling site from which it collected the previous samples samples.

B) If, for any reason, the supplier cannot gain entry to a sampling site in order to collect a follow-up tap sample, the supplier may collect the follow-up tap sample from another sampling site in its sampling pool, as long as the new site meets the same targeting criteria and is within reasonable proximity of the original site.

## 5) Substitute non-first-draw samples.

A) A NTNWS supplier or a CWS supplier that meets the criteria of Sections 611.355(c)(7)(A) and (c)(7)(B), that does not have enough taps that can supply first-draw samples, as defined in Section 611.102, may apply to the Agency in writing to substitute non-first-draw samples by a SEP granted under Section 611.110.

B) A supplier approved to substitute non-first-draw samples must collect as many first-draw samples from appropriate taps as possible and identify sampling times and locations that would likely result in the longest standing time for the remaining sites.

C) The Agency may grant a SEP that waives the requirement for prior Agency approval of non-first-draw sample sites selected by the system.

## c) Number of samples.

1) Suppliers must shall collect at least one sample from the number of sites listed in the first column of Section--611--Table D of this Part (labelled "standard monitoring") during each six-month monitoring period specified in subsection (d) of this Section below.

2) A supplier conducting reduced monitoring pursuant to subsection (d)(4) of this Section below must may collect one sample from the

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

number of sites specified in the second column of Section 611.351(d) of this Part (labelled "reduced monitoring") during each reduced monitoring period specified in subsection (d)(4) of this Section below. Such reduced monitoring sites must be representative of the sites required for standard monitoring. The Agency may, by a SEP issued pursuant to Section 611.110, specify sampling locations when a system is conducting reduced monitoring.

## d) Timing of monitoring.

## 1) Initial tap sampling.

The first six-month monitoring period for small, medium-sized and large system suppliers must ~~shall~~ begin on the dates specified in Section 611.351(d) of this Part.

A) All large system suppliers must ~~shall~~ monitor during each of two consecutive six-month periods.

B) All small and medium-sized system suppliers must ~~shall~~ monitor during each consecutive six-month monitoring period until the following is true:

- i) The ~~the~~ supplier exceeds the lead action level or the copper action level and is therefore required to implement the corrosion control treatment requirements under Section 611.351, in which case the supplier must ~~shall~~ continue monitoring in accordance with subsection (d)(2) of this Section below, or
- ii) ~~The~~ the supplier meets the lead action level and the copper action level during each of two consecutive six-month monitoring periods, in which case the supplier may reduce monitoring in accordance with subsection (d)(4) of this Section below.

## 2) Monitoring after installation of corrosion control and source water treatment.

A) Any large system supplier that installs optimal corrosion control treatment pursuant to Section 611.351(d)(4) must ~~shall~~ monitor during each of two consecutive six-month monitoring periods before the date specified in Section 611.351(d)(5).

B) Any small or medium-sized system supplier that installs optimal corrosion control treatment pursuant to Section 611.351(e)(5) must ~~shall~~ monitor during each of two consecutive six-month monitoring periods before the date specified in Section 611.351(e)(6).

C) Any supplier that installs source water treatment pursuant to Section 611.353(a)(3) must ~~shall~~ monitor during each of two consecutive six-month monitoring periods before the date specified in Section 611.353(a)(4).

## 3) Monitoring after the Agency specification of water quality parameter values for optimal corrosion control.

After the Agency specifies the values for water quality control

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

parameters pursuant to Section 611.352(f), the supplier must ~~shall~~ monitor during each subsequent six-month monitoring period, with the first six-month monitoring period to begin on the date the Agency specifies the optimal values.

## 4) Reduced monitoring.

A) Reduction to annual for small and medium-sized system suppliers meeting the lead and copper action levels. A small or medium-sized system supplier that meets the lead and copper action levels during each of two consecutive six-month monitoring periods may reduce the number of samples in accordance with subsection (c) of this Section above, and reduce the frequency of sampling to once per year.

B) SEP allowing reduction to annual for suppliers maintaining water quality control parameters.

i) Any ~~the Agency--shall--by a SEP granted pursuant to Section 611.110--allow any~~ supplier that maintains the range of values for the water quality control parameters reflecting optimal corrosion control treatment specified by the Agency under Section 611.352(f) during each of two consecutive six-month monitoring periods may ~~to~~ reduce the frequency of monitoring to once per year annual and the number of lead and copper samples to that specified by subsection (c) above if it receives written approval from the Agency in the form of a SEP granted pursuant to Section 611.110 ~~determines--that a supplier has~~ during each of two consecutive six-month monitoring periods--maintained the range of values for the water quality--control--parameters--specified--pursuant--to Section 611.352(f)--as--reflecting--optimal--corrosion control--treatment.

ii) The Agency must review monitoring, treatment, and other relevant information submitted by the water system in accordance with Section 611.360, and must notify the system in writing by a SEP granted pursuant to Sections 611.110 when it determines the system is eligible to reduce its monitoring frequency to once every three years pursuant to this subsection (d)(4). Any supplier may request a SEP if it concurrently provides the Agency with the information necessary to support a determination under subsection (d)(4)(B)(i) above.

iii) ~~The Agency--shall--set--forth--the--basis--for--its determination under subsection (d)(4)(B)(i) above--~~ The Agency must ~~shall--by a SEP issued pursuant to Section 611.110--review, and where appropriate, revise its determination under~~ subsection (d)(4)(B)(i) of

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

this Section ~~above--determination~~ when the supplier submits new monitoring or treatment data, or when other data relevant to the number and frequency of tap sampling becomes available to the Agency.

C) Reduction to triennial for small and medium-sized system suppliers.

i) Small and medium-sized system suppliers meeting lead and copper action levels. A small or medium-sized system supplier that meets the lead and copper action levels during three consecutive years of monitoring may reduce the frequency of monitoring for lead and copper from annually to once every three years.

ii) SEP for suppliers meeting optimal corrosion control treatment. ~~Any The Agency shall, by a SEP, grant pursuant to Section 611.110, allow a supplier that maintains the range of values for the water quality control parameters reflecting optimal corrosion~~

~~control parameters specified by the Agency under Section 61.352(f) during three consecutive years of monitoring may to reduce its monitoring frequency of~~ triennial if it receives written approval from the Agency in the form of a SEP granted pursuant to

Section 611.110 ~~determines that the supplier, during each of these consecutive years of monitoring, has maintained the range of values for the water quality control parameters specified as representing optimal corrosion control treatment pursuant to Section 611.352(f). Any supplier may request a SEP if it concurrently provides the Agency with the information necessary to support a determination under this subsection that the Agency shall set forth the basis for its determination.~~

iii) The Agency must ~~shall, by a SEP, issued pursuant to Section 611.110, review, and where appropriate, revise its determination under subsection (d)(4)(C)(ii) of this Section~~ when the supplier submits new monitoring or treatment data, or when other data relevant to the number and frequency of tap sampling becomes available to the Agency.

D) Sampling at a reduced frequency. A supplier that reduces the number and frequency of sampling must ~~shall~~ collect these samples from representative sites included in the pool of targeted sampling sites identified in subsection (a) of this Section ~~above~~, preferentially selecting those sampling sites from the highest tier first. Suppliers sampling annually or less frequently must ~~shall~~ conduct the lead and copper tap sampling during the months of June, July, August,

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

or September unless the Agency has approved a different sampling period in accordance with subsection (d)(4)(D)(i) of this Section.

i) The Agency may grant a SEP pursuant to Section 611.110 that approves a different period for conducting the lead and copper tap sampling for systems collecting a reduced number of samples. Such a period must be no longer than four consecutive months and must represent a time of normal operation where the highest levels of lead are most likely to occur. For a MTCWS supplier that does not operate during the months of June through September and for which the periods of normal operation where the highest levels of lead are most likely to occur is not known, the Agency must designate a period that represents a time of normal operation for the system.

ii) A supplier monitoring annually that has been collecting samples during the months of June through September and which receives Agency approval to alter its sample collection period under subsection (d)(4)(D)(i) of this Section must collect its next round of samples during a time period that ends no later than 21 months after the previous round of sampling. A supplier monitoring once every three years that has been collecting samples during the month of June through September and which receives Agency approval to alter the sampling collection period as provided in subsection (d)(4)(D)(i) of this Section must collect its next round of samples during a time period that ends no later than 45 months after the previous round of sampling. Subsequent rounds of sampling must be collected annually or once every three years, as required by this Section. A small system supplier with a waiver granted pursuant to subsection (g) of this Section that has been collecting samples during the months of June through September and which receives Agency approval to alter its sample collecting period under subsection (d)(4)(D)(i) of this Section must collect its next round of samples before the end of the nine-year compliance cycle (as that term is defined in Section 611.101).

E) Any water system that demonstrates for two consecutive six-month monitoring periods that the tap water lead level computed under Section 611.350(c)(3) is less than or equal to 0.005 mg/L and that the tap water copper level computed under Section 611.350(c)(3) is less than or equal to 0.05 mg/L may reduce the number of samples in accordance with



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

subsection (c) of this Section and reduce the frequency of sampling to once every three calendar years.

## (F) Resumption of standard monitoring.

i) Small or medium-sized suppliers exceeding lead or copper action level. A small or medium-sized system supplier subject to reduced monitoring that exceeds the lead action level or the copper action level must ~~shall~~ resume sampling in accordance subsection (d)(3) of this Section ~~above~~ and collect the number of samples specified for standard monitoring under subsection (c) of this Section ~~above~~. Such a supplier must ~~shall~~ also conduct water quality parameter monitoring in accordance with Section 611.357 (b), (c), or (d) (as appropriate) during the six-month monitoring period in which it exceeded the action level. Any such supplier may resume annual monitoring for lead and copper at the tap at the reduced number of sites specified in subsection (c) of this Section after it has completed two subsequent consecutive six-month rounds of monitoring that meet the criteria of subsection (d)(4)(A) of this Section. Any such supplier may resume monitoring once every three years for lead and copper at the reduced number of sites after it demonstrates through subsequent rounds of monitoring that it meets the criteria of either subsection (d)(4)(C) or (d)(4)(E) of this Section.

ii) Suppliers failing to operate within water quality control parameters. Any supplier subject to reduced monitoring frequency that fails to operate within the range of values for the water quality control parameters specified pursuant to Section 611.352(f) for more than nine days in any six-month period specified in Section 611.357(d) must conduct ~~shall~~ ~~resume~~ tap water sampling for lead and copper at the frequency specified in ~~in accordance--with~~ subsection (d)(3) of this Section, ~~above~~ must collect the number of samples specified for standard monitoring under subsection (c) of this Section, and must resume monitoring for water quality parameters within the distribution system in accordance with Section 611.357(d) ~~above~~.

G) Any water supplier subject to a reduced monitoring frequency under subsection (d)(4) of this Section that either adds a new source of water or changes any water treatment must inform the Agency in writing in accordance with Section 611.360(a)(3). The Agency may, by a SEP granted pursuant to Section 611.110, require the system to resume sampling in accordance with subsection (d)(3) of this Section and

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

collect the number of samples specified for standard monitoring under subsection (c) of this Section or take other appropriate steps such as increased water quality parameter monitoring or re-evaluation of its corrosion control treatment given the potentially different water quality considerations.

H) A supplier required under subsection (d)(4)(F) of this Section to resume monitoring in accordance with Section 611.357(d) may resume reduced monitoring for lead and copper at the tap and for water quality parameters within the distribution system under the following conditions:

i) The supplier may resume annual monitoring for lead and copper at the tap at the reduced number of sites specified in subsection (c) of this Section after it has completed two subsequent six-month rounds of monitoring that meet the criteria of subsection (d)(4)(B) of this Section and the supplier has received written approval from the Agency by a SEP pursuant to Section 611.110 that it is appropriate to resume reduced monitoring on an annual frequency.

ii) The supplier may resume monitoring for lead and copper once every three years at the tap at the reduced number of sites after it demonstrates through subsequent rounds of monitoring that it meets the criteria of either subsection (d)(4)(C) or (d)(4)(E) of this Section and the system has received a SEP under Section 611.110 from the Agency that it is appropriate to resume monitoring once every three years.

iii) The supplier may reduce the number of water quality parameter tap water samples required in accordance with Section 611.357(e)(1) and the frequency with which it collects such samples in accordance with Section 611.357(e)(2). Such a system may not resume monitoring once every three years for water quality parameters at the tap until it demonstrates, in accordance with the requirements of Section 611.357(e)(2), that it has re-qualified for monitoring once every three years.

BOARD NOTE: Subsections (d)(4)(H)(i) through (d)(4)(H)(iii) are derived from 40 CFR 141.86 (d)(4)(vi)(B)(1) through (d)(4)(vi)(B)(3) as added at 65 Fed. Reg. 2009 (January 12, 2000), since Illinois Administrative Code codification requirements allow only four indent levels of subsections.

e) Additional monitoring. The results of any monitoring conducted in addition to the minimum requirements of this section must ~~shall~~ be considered by the supplier and the Agency in making any determinations (i.e., calculating the 90th percentile lead action level or the copper



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- level) under this Subpart G.
- f) Invalidation of lead or copper tap water samples. A sample invalidated under this subsection does not count toward determining lead or copper 90th percentile levels under Section 611.350(c)(3) or toward meeting the minimum monitoring requirements of subsection (c) of this Section.
- 1) The Agency must invalidate a lead or copper tap water sample if it determines that one of the following conditions exists:
- The laboratory establishes that improper sample analysis caused erroneous results;
  - The sample was taken from a site that did not meet the site selection criteria of this Section;
  - The sample container was damaged in transit; or
  - There is substantial reason to believe that the sample was subject to tampering.
- 2) The supplier must report the results of all samples to the Agency and all supporting documentation for samples the supplier believes should be invalidated.
- 3) To invalidate a sample under subsection (f)(1) of this Section, the decision and the rationale for the decision must be documented in writing. The Agency may not invalidate a sample solely on the grounds that a follow-up sample result is higher or lower than that of the original sample.
- 4) The water supplier must collect replacement samples for any samples invalidated under this Section if, after the invalidation of one or more samples, the supplier has too few samples to meet the minimum requirements of subsection (c) of this Section. Any such replacement samples must be taken as soon as possible, but no later than 20 days after the date the Agency invalidates the sample or by the end of the applicable monitoring period, whichever occurs later. Replacement samples taken after the end of the applicable monitoring period must not also be used to meet the monitoring requirements of a subsequent monitoring period. The replacement samples must be taken at the same locations as the invalidated samples or, if that is not possible, at locations other than those already used for sampling during the monitoring period.
- g) Monitoring waivers for small system suppliers. Any small system supplier that meets the criteria of this subsection (g) may apply to the Agency to reduce the frequency of monitoring for lead and copper under this Section to once every nine years (i.e., a "full waiver") if it meets all of the materials criteria specified in subsection (q)(1) of this Section and all of the monitoring criteria specified in subsection (q)(2) of this Section. Any small system supplier that meets the criteria in subsections (q)(1) and (q)(2) of this Section only for lead, or only for copper, may apply to the State for a waiver to reduce the frequency of tap water monitoring to once every nine years for that contaminant only (i.e., a "partial waiver").

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- 1) Materials criteria. The supplier must demonstrate that its distribution system and service lines and all drinking water supply plumbing, including plumbing conveying drinking water within all residences and buildings connected to the system, are free of lead-containing materials or copper-containing materials, as those terms are defined in this subsection (q)(1), as follows:
- Lead. To qualify for a full waiver, or a waiver of the tap water monitoring requirements for lead (i.e., a "lead waiver"), the water supplier must provide certification and supporting documentation to the Agency that the system is free of all lead-containing materials, as follows:
    - It contains no plastic pipes which contain lead plasticizers, or plastic service lines which contain lead plasticizers; and
    - It is free of lead service lines, lead pipes, lead soldered pipe joints, and leaded brass or bronze alloy fittings and fixtures, unless such fittings and fixtures meet the specifications of NSF Standard 61, Section 9, incorporated by reference in Section 611.1102.
- BOARD NOTE: Corresponding 40 CFR 141.86(q)(1)(i)(B) specifies "any standard established pursuant to 42 U.S.C. 300g-6(e) (SDWA Section 1417(e))." USEPA has stated that the NSF standard is that standard. See 62 Fed. Reg. 44684 (Aug. 22, 1997).
- Copper. To qualify for a full waiver, or a waiver of the tap water monitoring requirements for copper (i.e., a "copper waiver"), the water supplier must provide certification and supporting documentation to the Agency that the system contains no copper pipes or copper service lines.
- 2) Monitoring criteria for waiver issuance. The supplier must have completed at least one six-month round of standard tap water monitoring for lead and copper at sites approved by the Agency and from the number of sites required by subsection (c) of this Section and demonstrate that the 90th percentile levels for any and all rounds of monitoring conducted since the system became free of all lead-containing and/or copper-containing materials, as appropriate, meet the following criteria:
- Lead levels. To qualify for a full waiver, or a lead waiver, the supplier must demonstrate that the 90th percentile lead level does not exceed 0.005 mg/L.
  - Copper levels. To qualify for a full waiver, or a copper waiver, the supplier must demonstrate that the 90th percentile copper level does not exceed 0.65 mg/L.
- 3) State approval of waiver application. The Agency must notify the supplier of its waiver determination by a SEP issued pursuant to Section 611.110, in writing, setting forth the basis of its

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

decision and any condition of the waiver. As a condition of the waiver, the Agency may require the supplier to perform specific activities (e.g., limited monitoring, periodic outreach to customers to remind them to avoid installation of materials that might void the waiver) to avoid the risk of lead or copper concentration of concern in tap water. The small system supplier must continue monitoring for lead and copper at the tap as required by subsections (d)(1) through (d)(4) of this Section, as appropriate, until it receives written notification from the Agency that the waiver has been approved.

## 4) Monitoring frequency for suppliers with waivers.

A) A supplier with a full waiver must conduct tap water monitoring for lead and copper in accordance with subsection (d)(4)(B) of this Section at the reduced number of sampling sites identified in subsection (c) of this Section at least once every nine years and provide the materials certification specified in subsection (g)(1) of this Section for both lead and copper to the Agency along with the monitoring results.

B) A supplier with a partial waiver must conduct tap water monitoring for the waived contaminant in accordance with subsection (d)(4)(D) of this Section at the reduced number of sampling sites specified in subsection (c) of this Section at least once every nine years and provide the materials certification specified in subsection (g)(1) of this Section pertaining to the waived contaminant along with the monitoring results. Such a supplier also must continue to monitor for the non-waived contaminant in accordance with requirements of subsection (d)(1) through (d)(4) of this Section, as appropriate.

C) If a supplier with a full or partial waiver adds a new source of water or changes any water treatment, the supplier must notify the Agency in writing in accordance with Section 611.360(a)(3). The Agency has the authority to require the supplier to add or modify waiver conditions (e.g., require recertification that the supplier's system is free of lead-containing or copper-containing materials, require additional rounds of monitoring), if it deems such modifications are necessary to address treatment or source water changes at the system.

D) If a supplier with a full or partial waiver becomes aware that it is no longer free of lead-containing or copper-containing materials, as appropriate, (e.g., as a result of new construction or repairs), the supplier must notify the Agency in writing no later than 60 days after becoming aware of such a change.

5) Continued eligibility. If the supplier continues to satisfy the requirements of subsection (g)(4) of this Section, the waiver

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

will be renewed automatically, unless any of the conditions listed in subsection (q)(5)(A) through (q)(5)(C) of this Section occur. A supplier whose waiver has been revoked may re-apply for a waiver at such time as it again meets the appropriate materials and monitoring criteria of subsections (q)(1) and (q)(2) of this Section.

A) A supplier with a full waiver or a lead waiver no longer satisfies the materials criteria of subsection (q)(1)(A) of this Section or has a 90th percentile lead level greater than 0.005 mg/L.

B) A supplier with a full waiver or a copper waiver no longer satisfies the materials criteria of subsection (q)(1)(B) of this Section or has a 90th percentile copper level greater than 0.65 mg/L.

C) The State notifies the supplier, in writing, that the waiver has been revoked, setting forth the basis of its decision.

6) Requirements following waiver revocation. A supplier whose full or partial waiver has been revoked by the Agency is subject to the corrosion control treatment and lead and copper tap water monitoring requirements, as follows:

A) If the supplier exceeds the lead or copper action level, the supplier must implement corrosion control treatment in accordance with the deadlines specified in Section 611.351(e), and any other applicable requirements of this Subpart G of this Part.

B) If the supplier meets both the lead and the copper action level, the supplier must monitor for lead and copper at the tap no less frequently than once every three years using the reduced number of sample sites specified in subsection (c) of this Section.

7) Pre-existing waivers. Small system supplier waivers approved by the Agency in writing prior to April 11, 2000 must remain in effect under the following conditions:

BOARD NOTE: Corresponding 40 CFR 141.86(g)(7) sets forth the April 11, 2000 date. The Board has retained that date to maintain consistency with the federal requirements, despite the fact that this subsection (g)(7) became effective after that date.

A) If the supplier has demonstrated that it is both free of lead-containing and copper-containing materials, as required by subsection (q)(1) of this Section and that its 90th percentile lead levels and 90th percentile copper levels meet the criteria of subsection (q)(2) of this Section, the waiver remains in effect so long as the supplier continues to meet the waiver eligibility criteria of subsection (q)(5) of this Section. The first round of tap water monitoring conducted pursuant to subsection (q)(4) of this Section must be completed no later than nine years after the last time

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

the supplier has monitored for lead and copper at the tap. If the supplier has met the materials criteria of subsection (g)(1) of this Section but has not met the monitoring criteria of subsection (g)(2) of this Section, the supplier must conduct a round of monitoring for lead and copper at the tap demonstrating that it meets the criteria of subsection (g)(2) of this Section no later than September 30, 2000. Thereafter, the waiver must remain in effect as long as the supplier meets the continued eligibility criteria of subsection (g)(5) of this Section. The first round of tap water monitoring conducted pursuant to subsection (g)(4) of this Section must be completed no later than nine years after the round of monitoring conducted pursuant to subsection (g)(2) of this Section.

BOARD NOTE: Corresponding 40 CFR 141.86(g)(7)(ii) sets forth the September 30, 2000 date. The Board has retained that date to maintain consistency with the federal requirements, despite the fact that this subsection (g)(7)(B) became effective after that date.

BOARD NOTE: Derived from 40 CFR 141.86 [1999], as amended at 65 Fed. Reg. 2007 (Jan. 12, 2000)†1993†.

(Source: Amended at 25 Ill. Reg. 12.24.93 effective )

## Section 611.357 Monitoring for Water Quality Parameters

All large system suppliers, and all small and medium-sized system suppliers that exceed the lead action level or the copper action level, must shall monitor water quality parameters in addition to lead and copper in accordance with this Section. The requirements of this Section are summarized in Section 611-Table G of this Part.

## a) General Requirements

- 1) Sample collection methods
  - A) Use of tap samples. The totality of all tap samples collected by a supplier must shall be representative of water quality throughout the distribution system taking into account the number of persons served, the different sources of water, the different treatment methods employed by the supplier, and seasonal variability. Although a supplier may conveniently conduct tap sampling for water quality parameters at sites used for coliform sampling performed pursuant to Subpart L of this Part, it is not required to do so, and a supplier is not required to perform tap sampling pursuant to this Section at taps targeted for lead and copper sampling under Section 611.356(a).

- B) Use of entry point samples. Each supplier must shall collect samples at entry points point(s) to the distribution

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

system from locations representative of each source after treatment. If a supplier draws water from more than one source and the sources are combined before distribution, the supplier must sample at an entry point to the distribution system during periods of normal operating conditions (i.e., when water is representative of all sources being used).

## 2) Number of samples

- A) Tap samples. Each supplier must shall collect two tap samples for applicable water quality parameters during each six-month monitoring period specified under subsections (b) through (e) of this Section below from the number of sites indicated in the first column of Section-611-Table E of this Part.

## B) Entry point samples.

- i) Initial monitoring. Except as provided in subsection (c)(3) of this Section Each supplier must shall collect two samples for each applicable water quality parameter at each entry point to the distribution system during each six-month monitoring period specified in subsection (b) of this Section below.
- ii) Subsequent monitoring. Each supplier must shall collect one sample for each applicable water quality parameter at each entry point to the distribution system during each six-month monitoring period specified in subsections (c) through (e) of this Section below.

## b) Initial Sampling.

- 1) Large systems. Each large system supplier must shall measure the applicable water quality parameters specified in subsection (b)(3) of this Section below at taps and at each entry point to the distribution system during each six-month monitoring period specified in Section 611.356(d)(1).
- 2) Small and medium-sized systems. Each small and medium-sized system supplier must shall measure the applicable water quality parameters specified in subsection (b)(3) of this Section below at the locations specified in this subsection during each six-month monitoring period specified in Section 611.356(d)(1) during which the supplier exceeds the lead action level or the copper action level.
- 3) Water quality parameters:
  - A) pH;
  - B) Alkalinity alkalinity;
  - C) Orthophosphate orthophosphate, when an inhibitor containing a phosphate compound is used;
  - D) Silica silica, when an inhibitor containing a silicate compound is used;
  - E) Calcium calcium;
  - F) Conductivity conductivity; and

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

C) Water temperature.

- 1) Large systems. Each large system supplier that installs optimal corrosion control treatment pursuant to Section 611.351(d)(4) must ~~shall~~ measure the water quality parameters at the locations and frequencies specified in subsections (c)(4) ~~(c)(4)~~ and (c)(5) of this Section ~~(c)(4)-(5)~~ below during each six-month monitoring period specified in Section 611.356(d)(2)(A).
  - 2) Small and medium-sized systems. Each small or medium-sized system that installs optimal corrosion control treatment pursuant to Section 611.351(e)(5) must ~~shall~~ measure the water quality parameters at the locations and frequencies specified in subsections (c)(4) ~~(c)(4)~~ and (c)(5) ~~(c)(4)-(5)~~ of this Section below during each six-month monitoring period specified in Section 611.356(d)(2)(B) in which the supplier exceeds the lead action level or the copper action level.
  - 3) Any groundwater system can limit entry point sampling described in subsection (c)(2) of this Section to those entry points that are representative of water quality and treatment conditions throughout the system. If water from untreated groundwater sources mixes with water from treated groundwater sources, the system must monitor for water quality parameters both at representative entry points receiving treatment and representative entry points receiving no treatment. Prior to the start of any monitoring under this subsection, the system must provide to the Agency written information identifying the selected entry points and documentation, including information on seasonal variability, sufficient to demonstrate that the sites are representative of water quality and treatment conditions throughout the system.
- 43) Tap water samples, two samples at each tap for each of the following watered quality parameters:
- A) pH;
  - B) Alkalinity alkalinity;
  - C) Orthophosphate orthophosphate, when an inhibitor containing a phosphate compound is used;
  - D) Silica silica, when an inhibitor containing a silicate compound is used; and
  - E) Calcium calcium, when calcium carbonate stabilization is used as part of corrosion control.
- 54) Entry point samples, except as provided in subsection (c)(3) of this Section, one sample at each entry point to the distribution system every two weeks (bi-weekly) for each of the following water quality parameters:
- A) pH;
  - B) When alkalinity is adjusted as part of optimal corrosion control, a reading of the dosage rate of the chemical used to adjust alkalinity, and the alkalinity

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

## concentration; and

- C) When a corrosion inhibitor is used as part of optimal corrosion control, a reading of the dosage rate of the inhibitor used, and the concentration of orthophosphate or silica (whichever is applicable).
- d) Monitoring after the Agency specifies water quality parameter values for optimal corrosion control.
  - 1) Large systems. After the Agency has specified the values for applicable water quality control parameters reflecting optimal corrosion control treatment pursuant to Section 611.352(f), each large system supplier must ~~shall~~ measure the applicable water quality parameters in accordance with subsection (c) of this Section above--during each six-month monitoring period specified in--Section--611-356(d)(f)3 and determine compliance with the requirements of Section 611.352(g) every six months with the first six-month period to begin on the date the State specifies the optimal values under Section 611.352(f).
  - 2) Small and medium-sized systems. Each small or medium-sized system supplier must ~~shall~~ conduct such monitoring during each six-month monitoring period specified in this subsection (d) Section--611-356(d)(f)3 in which the supplier exceeds the lead action level or the copper action level. For any such small and medium-size system that is subject to a reduced monitoring frequency pursuant to Section 611.356(d)(4) at the time of the action level exceedance, the end of the applicable six-month period under this subsection must coincide with the end of the applicable monitoring period under Section 611.356(d)(4). Compliance with Agency-designated optimal water quality parameter values must be determined as specified under Section 611.352(g).
- 3) Confirmation sampling.
  - A) A--supplier--may--take--a--confirmation--sample--for--any--water--quality--parameter--value--no--later--than--3--days--after--it--took--the--original--sample--it--seeks--to--confirm.
  - B) If--a--supplier--takes--a--confirmation--sample--it--must--average--the--result--obtained--from--the--confirmation--sample--with--the--result--obtained--from--the--original--sample--it--seeks--to--confirm--and--the--supplier--shall--use--the--average--of--these--two--results--for--any--compliance--determinations--under--Section--611-352(f)3.
  - C) The--Agency--shall--delete--the--results--that--it--determines--are--due--to--obvious--sampling--errors--from--this--calculation.
- e) Reduced monitoring.
  - 1) Reduction in tap monitoring. A supplier that has maintained the range of values for the water quality parameters reflecting optimal corrosion control treatment during each of two consecutive six-month monitoring periods under subsection (d) of this Section above must ~~shall~~ continue monitoring at the entry points point(s) to the distribution system as specified in



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

subsection (c)(4) of this Section above. Such a supplier may collect two samples from each tap for applicable water quality parameters from the reduced number of sites indicated in the second column of Section 611.352(f) of this Part during each subsequent six-month monitoring period.

## 2) Reduction in monitoring frequency.

A) Staged reductions in monitoring frequency **Stages--of reductions.**

i) Annual monitoring. A supplier that maintains the range of values for the water quality parameters reflecting optimal corrosion control treatment specified pursuant to Section 611.352(f) during three consecutive years of monitoring may reduce the frequency with which it collects the number of tap samples for applicable water quality parameters specified in subsection (e)(1) of this Section above from every six months to annually.

ii) Triennial monitoring. A supplier that maintains the range of values for the water quality parameters reflecting optimal corrosion control treatment specified pursuant to Section 611.352(f) during three consecutive years of annual monitoring under subsection (e)(2)(A)(i) of this Section above may reduce the frequency with which it collects the number of tap samples for applicable water quality parameters specified in subsection (e)(1) of this Section above from annually to once every three years.

B) A water supplier may reduce the frequency with which it collects tap samples for applicable water quality parameters specified in subsection (e)(1) of this Section to every three years if it demonstrates the following during two consecutive monitoring periods:

- i) That its tap water lead level at the 90th percentile is less than or equal to the PQL for lead specified in Section 611.359(a)(1)(B),
- ii) That its tap water copper level at the 90th percentile is less than or equal to 0.65 mg/L for copper in Section 611.350(c)(2), and
- iii) That it also has maintained the range of values for the water quality parameters reflecting optimal corrosion control treatment specified by the Agency under Section 611.352(f).

B) A supplier that conducts sampling annually--or every three years--shall collect these samples evenly throughout the calendar year so as to reflect seasonal variability.

3) A supplier that conducts sampling annually or every three years must collect these samples evenly throughout the calendar year so as to reflect seasonal variability.

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

4) Any supplier subject to a reduced monitoring frequency pursuant to this subsection that fails to operate at or above the minimum value or within the range of values for the water quality parameters specified pursuant to Section 611.352(f) for more than nine days in any six-month period specified in Section 611.352(g) must resume tap water sampling in accordance with the number and frequency requirements of subsection (d) of this Section. Such a system may resume annual monitoring for water quality parameters at the tap at the reduced number of sites specified in subsection (e)(1) of this Section after it has completed two subsequent consecutive six-month rounds of monitoring that meet the criteria of that subsection or may resume monitoring once every three years for water quality parameters at the tap at the reduced number of sites after it demonstrates through subsequent rounds of monitoring that it meets the criteria of either subsection (e)(2)(A) or (e)(2)(B) of this Section.

E) Any supplier subject to a reduced monitoring frequency pursuant to this subsection that fails to operate within the range of values for the water quality parameters specified pursuant to Section 611.352(f) shall resume tap water sampling in accordance with the number and frequency requirements of subsection (d) above.

F) Additional monitoring by systems. The results of any monitoring conducted in addition to the minimum requirements of this Section section must be considered by the supplier and the Agency in making any determinations (i.e., determining concentrations of water quality parameters) under this Section or Section 611.352.

BOARD NOTE: Derived from 40 CFR 141.87 (1999), as amended at 65 Fed. Reg. 2010 (Jan. 12, 2000) (1995).

(Source: Amended at 25 Ill. Reg. 1020, effective 1/1/01)

## Section 611.358 Monitoring for Lead and Copper in Source Water

- a) Sample location, collection methods, and number of samples
- 1) A supplier that fails to meet the lead action level or the copper action level on the basis of tap samples collected in accordance with Section 611.356 must shall collect lead and copper source water samples in accordance with following sample location, number of samples, and collection method requirements regarding sample location, number of samples, and collection methods: of Section 611.601(a) and (b) (as specified for inorganic chemical contaminants)--the timing of sampling for lead and copper shall be in accordance with subsections (b) and (c) below, and not with the dates specified in Section 611.601(a)(i).
- A) A groundwater supplier must take a minimum of one sample at every entry point to the distribution system that is



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

representative of each well after treatment (hereafter called a sampling point). The supplier must take one sample at the same sampling point unless conditions make another sampling point more representative of each source or treatment plant.

- B) A surface water supplier must take a minimum of one sample at every entry point to the distribution system after any application of treatment or in the distribution system at a point that is representative of each source after treatment (hereafter called a sampling point). The system must take each sample at the same sampling point unless conditions make another sampling point more representative of each source or treatment plant.

BOARD NOTE: For the purposes of this subsection (a)(1)(B), surface water systems include systems with a combination of surface and ground sources.

- C) If a supplier draws water from more than one source and the sources are combined before distribution, the supplier must sample at an entry point to the distribution system during periods of normal operating conditions (i.e., when water is representative of all sources being used).

D) The agency may, by a SEP issued pursuant to Section 611.110, reduce the total number of samples which must be analyzed by allowing the use of compositing. Compositing of samples must be done by certified laboratory personnel. Composite samples from a maximum of five samples are allowed, provided that if the lead concentration in the composite sample is greater than or equal to 0.001 mg/L or the copper concentration is greater than or equal to 0.160 mg/L, then the supplier must do either of the following:

- i) The supplier must take and analyze a follow-up sample within 14 days at each sampling point included in the composite; or
  - ii) If duplicates of or sufficient quantities from the original samples from each sampling point used in the composite are available, the supplier may use these instead of resampling.
- 2) SEP requiring an additional sample
- A) When the Agency determines that the results of sampling indicate an exceedance of the lead or copper MPC established under Section 611.353(b)(4), it must shall, by a SEP issued pursuant to Section 611.110, require the supplier to collect one additional sample as soon as possible after the initial sample at the same sampling point, but no later than two weeks after the supplier took the initial sample.
- B) If a supplier takes an Agency-required confirmation sample for lead or copper, the supplier must shall average the results obtained from the initial sample with the results

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

obtained from the confirmation sample in determining compliance with the Agency-specified lead and copper MPCs.

i) Any analytical result below the MDL must shall be considered as zero for the purposes of averaging.

- ii) Any value above the MDL but below the PQL must shall either be considered as the measured value or be considered one-half the PQL.

- b) Monitoring frequency after system exceeds tap water action level. A supplier that exceeds the lead action level or the copper action level in tap sampling shall collect one source water sample from each entry point to the distribution system within six months after the exceedance.

- c) Monitoring frequency after installation of source water treatment. A supplier that installs source water treatment pursuant to Section 611.353(a)(3) must shall collect an additional source water sample from each entry point to the distribution system during each of two consecutive six-month monitoring periods on or before the deadline specified in Section 611.353(a)(4).

- d) Monitoring frequency after the Agency has specified the lead and copper MPCs or has determined that source water treatment is not needed.

- 1) A supplier must shall monitor at the frequency specified by subsection (d)(1)(A) or (d)(1)(B) of this Section below where the Agency has specified the MPCs pursuant to Section 611.353(b)(4) or has determined that the supplier is not required to install source water treatment pursuant to Section 611.353(b)(2).

- A) GWS suppliers.
- i) A GWS supplier required to sample by subsection (d)(1) of this Section above must shall collect samples once during the three-year compliance period (as that term is defined in Section 611.101) during which the Agency makes its determination pursuant to Section 611.353(b)(4) or 611.353(b)(2).

- ii) A GWS supplier required to sample by subsection (d)(1) of this Section must above-shall collect samples once during each subsequent compliance period.

- B) A SWS or mixed system supplier must shall collect samples annually, the first annual monitoring period to begin on the date on which the Agency makes its determination pursuant to Section 611.353(b)(4) or 611.353(b)(2).

- 2) A supplier is not required to conduct source water sampling for lead or copper if the supplier meets the action level for the specific contaminant in all tap water samples collected during the entire source water sampling period applicable under subsection (d)(1)(A) or (d)(1)(B) of this Section above.
- e) Reduced monitoring frequency.

- 1) A GWS supplier that demonstrates that--finished--drinking--water--entering--the--distribution--system--has-been-maintained--below-the

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

~~lead or copper MPC specified by the Agency pursuant to Section 611.353(b)(4) during at least three consecutive compliance periods under subsection (d)(1) above may reduce the monitoring frequency for lead and or copper in source water 7--as appropriate to once during each nine-year compliance cycle (as that term is defined in Section 611.101) if the supplier meets one of the following criteria:~~

A) ~~The supplier demonstrates that finished drinking water entering the distribution system has been maintained below the maximum permissible lead and copper concentrations specified by the State in Section 611.353(b)(4) during at least three consecutive compliance periods under subsection (d)(1) of this Section; or~~

B) ~~The Agency has determined, by a SEP issued pursuant to Section 611.110, that source water treatment is not needed and the system demonstrates that, during at least three consecutive compliance periods in which sampling was conducted under subsection (d)(1) of this Section, the concentration of lead in source water was less than or equal to 0.005 mg/L and the concentration of copper in source water was less than or equal to 0.65 mg/L.~~

2) A SWS or mixed system supplier ~~that demonstrates that finished drinking water entering the distribution system has been maintained below the maximum permissible lead and copper concentrations specified by the Agency under Section 611.353(b)(4) for at least three consecutive years under subsection (d)(1) of this Section to once during each nine-year compliance cycle (as that term is defined in Section 611.101) if the supplier meets one of the following criteria:~~

A) ~~The supplier demonstrates that finished drinking water entering the distribution system has been maintained below the maximum permissible lead and copper concentrations specified by the Agency under Section 611.353(b)(4) for at least three consecutive years; or~~

B) ~~The Agency has determined, by a SEP issued pursuant to Section 611.110, that source water treatment is not needed and the supplier demonstrates that, during at least three consecutive years, the concentration of lead in source water was less than or equal to 0.005 mg/L and the concentration of copper in source water was less than or equal to 0.65 mg/L.~~

3) A supplier that uses a new source of water is not eligible for reduced monitoring for lead or copper until it demonstrates by samples collected from the new source during three consecutive monitoring periods, of the appropriate duration provided by subsection (d)(1) of this Section ~~above~~, that lead or copper concentrations are below the MPC as specified by the Agency

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

pursuant to Section 611.353(a)(4).  
BOARD NOTE: Derived from 40 CFR 141.88 (1999), as amended at 65 Fed. Reg. 2012 (Jan. 12, 2000) (#1992).

(Source: Amended at 25 Ill. Reg. 18 2 0 effective 1/1/00)

## Section 611.359 Analytical Methods

Analyses for lead, copper, pH, conductivity, calcium, alkalinity, orthophosphate, silica, and temperature ~~must~~ shall be conducted using the methods set forth in Section 611.611(a).

a) Analyses for lead and copper performed for the purposes of compliance with this Subpart ~~must~~ shall only be conducted by laboratories that have been certified by USEPA or the Agency. To obtain certification to conduct analyses for lead and copper, laboratories ~~must do the~~ following:

1) Analyze performance evaluation samples that include lead and copper provided by USEPA Environmental Monitoring and Support Laboratory or equivalent samples provided by the Agency; and

2) Achieve quantitative acceptance limits as follows:

A) For lead:  $\pm 30$  percent of the actual amount in the performance evaluation sample when the actual amount is greater than or equal to 0.005 mg/L (the PQL for lead is 0.005 mg/L);

B) For copper:  $\pm 10$  percent of the actual amount in the performance evaluation sample when the actual amount is greater than or equal to 0.050 mg/L (the PQL for copper is 0.050 mg/L);

C) Achieve the method detection limit (MDL) for lead (0.001 mg/L, as ~~limits~~ MDLs defined in Section 611.350(a)) according to the procedures in 35 Ill. Adm. Code 183 and 40 CFR 136, Appendix B: "Definition and Procedure for the Determination of the Method Detection Limit--Revision 1.1" (1999). This need only be accomplished if the laboratory will be processing source water composite samples under Section 611.358(a)(1)(C); and

D) Be currently certified by USEPA or the Agency to perform analyses to the specifications described in subsection (a)(2) of this Section.

b) The Agency ~~must~~ shall, by a SEP issued pursuant to Section 611.110, allow a supplier to use previously collected monitoring data for the purposes of monitoring under this Subpart if the data were collected and analyzed in accordance with the requirements of this Subpart.

c) Reporting lead and copper levels.

1) All lead and copper levels greater than or equal to the lead and copper PQL (Pb  $\geq$  0.005 mg/L and Cu  $\geq$  0.050 mg/L) must be reported as measured.

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- 2) All lead and copper levels measured less than the PQL and greater than the MDL (0.005 mg/L > Pb > MDL and 0.050 mg/L > Cu > MDL) must be either reported as measured or as one-half the PQL set forth in subsection (a) of this Section (i.e., reported as 0.0025 mg/L for lead or 0.025 mg/L for copper).
- 3) All lead and copper levels below the lead and copper MDL (MDL > Pb) must be reported as zero.

BOARD NOTE: Derived from 40 CFR 141.89 (1999), as amended at 65 Fed. Reg. 2012 (Jan. 12, 2000).

(Source: Amended at 25 Ill. Reg. 13 3 3 effective 12 1 2000)

## Section 611.360 Reporting

A supplier must ~~shall~~ report all of the following information to the Agency in accordance with this Section.

- a) Reporting for tap, lead, and copper, and water quality parameter monitoring.

- 1) Except as provided in subsection (a)(1)(viii) of this Section, a supplier must ~~shall~~ report the following information for all samples specified in Section 611.356 and for all water quality parameter samples specified in Section 611.357 within ten 10 days of the end of each applicable sampling period specified in Sections 611.356 and 611.357 through ~~611.358~~ (i.e., every six months ~~six months~~, annually, every ~~three~~ 3 years, or every nine years).

- A) ~~The the~~ results of all tap samples for lead and copper, including the location of each site and the criteria under Section 611.356(a)(3) through (7) under which the site was selected for the supplier's sampling pool;

- B) Documentation for each tap water lead or copper sample for which the water supplier requests invalidation pursuant to Section 611.356(f)(2); ~~a certification that each first-draw sample collected by the supplier was one liter in volume and to the best of the supplier's knowledge had stood motionless in the service line, or in the interior plumbing of a sampling site, for at least six hours;~~

- C) This subsection (a)(1)(C) corresponds with 40 CFR 141.90(a)(1)(iii), a provision that USEPA removed and marked "reserved" at 65 Fed. Reg. 2012 (Jan. 12, 2000). This statement preserves structural parity with the federal rules; ~~where residents collected samples, a certification that each tap sample collected by the residents was taken after the supplier informed them of the proper sampling procedures specified in Section 611.356(b)(2);~~

- D) ~~The~~ the 90th percentile lead and copper concentrations measured from among all lead and copper tap samples

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

collected during each sampling period (calculated in accordance with Section 611.350(c)(3)), unless the Agency calculates the system's 90th percentile lead and copper levels under subsection (h) of this Section;

- E) ~~With~~ the exception of initial tap sampling conducted pursuant to Section 611.356(d)(1), the supplier must ~~shall~~ designate any site that was not sampled during previous sampling periods, and include an explanation of why sampling sites have changed;

- F) ~~The~~ the results of all tap samples for pH, and where applicable, alkalinity, calcium, conductivity, temperature, and orthophosphate or silica collected pursuant to Section 611.357(b) through (e);

- G) ~~The the~~ results of all samples collected at entry points ~~point(s)~~ for applicable water quality parameters pursuant to Section 611.357(b) through (e).

- H) A water supplier must report the results of all water quality parameter samples collected under Section 611.357(c) through (f) during each six-month monitoring period specified in Section 611.357(d) within the first 10 days following the end of the monitoring period, unless the Agency has specified, by a SEP granted pursuant to Section 611.110, a more frequent reporting requirement.

- 2) For a NTN/CWS supplier, or a CWS supplier meeting the criteria of Sections 611.355(c)(7)(A) and (B), that does not have enough taps which can provide first draw samples, the supplier must do either of the following: By the applicable date in Section 611.356(d)(1) for commencement of monitoring, each CWS supplier that does not complete its targeted sampling pool with CWS tier-1 sampling sites meeting the requirements of Section 611.356(a)(4)(A) shall send a letter to the Agency justifying its selection of CWS tier-2 sampling sites or CWS tier-3 sampling sites pursuant to Section 611.356(a)(4)(A)(ii)-(A)(4)(A)(iii), or (A)(4)(A)(iv).

- A) Provide written documentation to the Agency that identifies standing times and locations for enough non-first-draw samples to make up its sampling pool under Section 611.356(b)(5) by the start of the first applicable monitoring period under Section 611.356(d) that commences after April 11, 2000, unless the Agency has waived prior Agency approval of non-first-draw sample sites selected by the supplier pursuant to Section 611.356(b)(5); or

BOARD NOTE: Corresponding 40 CFR 141.90(a)(2)(i) sets forth the April 11, 2000 date. The Board has retained that date to maintain structural consistency with the federal requirements, despite the fact that this subsection (a)(2)(A) became effective after that date.

- B) If the Agency has waived prior approval of non-first-draw sample sites selected by the supplier, identify, in writing,



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

each site that did not meet the six-hour minimum standing time and the length of standing time for that particular substitute sample collected pursuant to Section 611.356(b)(5) and include this information with the lead and copper tap sample results required to be submitted pursuant to subsection (a)(1)(A) of this Section.

- 3) No later than 60 days after the addition of a new source or any change in water treatment, unless the Agency requires earlier notification, a water supplier deemed to have optimized corrosion control under Section 611.351(b)(3), a water supplier subject to reduced monitoring pursuant to Section 611.356(d)(4), or a water supplier subject to a monitoring waiver pursuant to Section 611.356(g), must send written documentation to the Agency describing the change. In those instances where prior Agency approval of the treatment change or new source is not required, USEPA has stated that it encourages water systems to provide the notification to the Agency beforehand to minimize the risk the treatment change or new source will adversely affect optimal corrosion control. By the date applicable to the date in Section 611.356(d)(4) for commencement of monitoring, each NPNWS supplier that does not complete its sampling pool with NPNWS tier-1 sampling sites meeting the requirements of Section 611.356(a)(4)(B) shall send a letter to the Agency justifying its selection of alternative NPNWS sampling sites pursuant to that Section.

- 4) Any small system supplier applying for a monitoring waiver under Section 611.356(g), or subject to a waiver granted pursuant to Section 611.356(g)(3), must provide the following information to the Agency in writing by the specified deadline: By the applicable date in Section 611.356(d)(4) for commencement of monitoring, each supplier with lead service lines that is not able to locate the number of sites served by such lines required by Section 611.356(a)(4)(9) shall send a letter to the Agency demonstrating why it was unable to locate a sufficient number of such sites based upon the information listed in Section 611.356(e)(2).

A) By the start of the first applicable monitoring period in Section 611.356(d), any small water system supplier applying for a monitoring waiver must provide the documentation required to demonstrate that it meets the waiver criteria of Sections 611.356(g)(1) and (g)(2).

B) No later than nine years after the monitoring previously conducted pursuant to Section 611.356(g)(2) or Section 611.356(g)(4)(A), each small system supplier desiring to maintain its monitoring waiver must provide the information required by Sections 611.356(g)(4)(A) and (g)(4)(B).

C) No later than 60 days after it becomes aware that it is no longer free of lead-containing or copper-containing

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

material, as appropriate, each small system supplier with a monitoring waiver must provide written notification to the Agency, setting forth the circumstances resulting in the lead-containing or copper-containing materials being introduced into the system and what corrective action, if any, the supplier plans to remove these materials.

- D) By October 10, 2000, any small system supplier with a waiver granted prior to April 11, 2000 and that has not previously met the requirements of Section 611.356(g)(2) must provide the information required by that subsection.

BOARD NOTE: Corresponding 40 CFR 141.90(a)(2)(iv) sets forth the April 11, 2000 and October 10, 2000 dates. The Board has retained those dates to maintain structural consistency with the federal requirements, despite the fact that this subsection (a)(2)(D) became effective after that date.

- 5) Each GWS supplier that limits water quality parameter monitoring to a subset of entry points under Section 611.357(c)(3) must provide, by the commencement of such monitoring, written correspondence to the Agency that identifies the selected entry points and includes information sufficient to demonstrate that the sites are representative of water quality and treatment conditions throughout the system. Each supplier that requests that the Agency grant a SPP that reduces the number and frequency of sampling shall provide the information required by Section 611.356(d)(4).

b) Reporting for source water monitoring.

- 1) A supplier must ~~shall~~ report the sampling results for all source water samples collected in accordance with Section 611.358 within ten 10 days of the end of each source water sampling period (i.e., annually, per compliance period, per compliance cycle) specified in Section 611.358.

- 2) With the exception of the first round of source water sampling conducted pursuant to Section 611.358(b), a supplier must ~~shall~~ specify any site that was not sampled during previous sampling periods, and include an explanation of why the sampling point has changed.

c) Reporting for corrosion control treatment.

By the applicable dates under Section 611.351, a supplier must ~~shall~~ report the following information:

- 1) For a supplier demonstrating that it has already optimized corrosion control, the information required by Section 611.352(b)(2) or (b)(3).
- 2) For a supplier required to optimize corrosion control, its recommendation regarding optimal corrosion control treatment pursuant to Section 611.352(a).
- 3) For a supplier required to evaluate the effectiveness of corrosion control treatments pursuant to Section 611.352(c), the

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- information required by Section 611.352(c).
- 4) For a supplier required to install optimal corrosion control approved by the Agency pursuant to Section 611.352(d), a copy of the Agency permit letter, which acts as certification that the supplier has completed installing the permitted treatment.
  - a) Reporting for source water treatment. On or before the applicable dates in Section 611.353, a supplier must ~~shall~~ provide the following information to the Agency:
    - 1) If ~~if~~ required by Section 611.353(b)(1), its recommendation regarding source water treatment; or
    - 2) For suppliers required to install source water treatment pursuant to Section 611.353(b)(2), a copy of the Agency permit letter, which acts as certification that the supplier has completed installing the treatment approved by the Agency within 24 months after the Agency approved the treatment.
  - e) Reporting for lead service line replacement. A supplier must ~~shall~~ report the following information to the Agency to demonstrate compliance with the requirements of Section 611.354:
    - 1) Within 12 months after a supplier exceeds the lead action level in sampling referred to in Section 611.354(a), the supplier must ~~shall~~ report each of the following to the Agency in writing:
      - A) A demonstration it has conducted a materials evaluation, including the evaluation required by Section 611.356(a),
      - B) Identify ~~identify~~ the initial number of lead service lines in its distribution system, and
      - C) Provide ~~provide~~ the Agency with the supplier's schedule for annually replacing at least seven 7 percent of the initial number of lead service lines in its distribution system.
    - 2) Within 12 months after a supplier exceeds the lead action level in sampling referred to in Section 611.354(a), and every 12 months thereafter, the supplier must ~~shall~~ demonstrate to the Agency in writing that the supplier has done either of the following:
      - A) Replaced ~~replaced~~ in the previous 12 months at least seven 7 percent of the initial number of lead service lines in its distribution system (or any greater number of lines specified by the Agency pursuant to Section 611.354(e) 611-354(f)), or
      - B) Conducted ~~conducted~~ sampling that demonstrates that the lead concentration in all service line samples from an individual line ~~line(s)~~, taken pursuant to Section 611.356(b)(3), is less than or equal to 0.015 mg/L.
      - C) Where the supplier makes a demonstration under subsection (e)(2)(B) of this Section above, the total number of lines that the supplier has replaced, combined with the total number that meet the criteria of Section 611.354(b), must ~~shall~~ equal at least seven 7 percent of the initial number of lead lines identified pursuant to subsection (a) of this

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- Section above (or the percentage specified by the Agency pursuant to Section 611.354(e) 611-354(f)).
- 3) The annual letter submitted to the Agency pursuant to subsection (e)(2) of this Section above ~~must~~ ~~shall~~ contain the following information:
    - A) The number of lead service lines originally scheduled to be replaced during the previous year of the supplier's replacement schedule;
    - B) The number and location of each lead service line actually replaced during the previous year of the supplier's replacement schedule; and
    - C) If ~~if~~ measured, the water lead concentration from each lead service line sampled pursuant to Section 611.356(b)(3) and the location of each lead service line sampled, the sampling method used, and the date of sampling.
  - 4) Any supplier that collects lead service line samples following partial lead service line replacement required by Section 611.354 must report the results to the Agency within the first ten days of the month following the month in which the supplier receives the laboratory results, or as specified by the Agency. The Agency may, by a SEP granted pursuant to Section 611.110, eliminate this requirement to report these monitoring results. A supplier must also report any additional information as specified by the Agency, and in a time and manner prescribed by the Agency, to verify that all partial lead service line replacement activities have taken place. As soon as practicable, but no later than three months after a supplier exceeds the lead action level in the sampling referred to in Section 611.354(a), any supplier seeking to rebut the presumption that it has control over the entire lead service line pursuant to Section 611.354(d) shall submit a letter to the Agency describing the following:
    - A) the legal authority (e.g., state statutes, municipal ordinances, public service contracts or other applicable legal authority) that limits the supplier's control over the service lines; and
    - B) the extent of the supplier's control over the service lines. BARB-NRFB:--This communication is vital to a supplier seeking to replace less than entire service lines. Under Section 611.354(f)(1), a supplier is presumed to control the entire service line unless it makes an affirmative showing. Under Section 611.354(f)(2)(A), a supplier is affirmatively required to replace all of each service line except as to any particular service line for which the Agency has made an affirmative determination that the supplier does not control in its entirety. Under Sections 611.354(b)(1) and seven percent of the lead service lines within a year of the day of the event that triggered the requirement. Section 39(a) of the Act allows the Agency 90 days to render its decision



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

on any permit request. Therefore, any supplier that desires an Agency determination pursuant to Section 611.354(f)(2) must submit the required information within the three-month time frame of this subsection.

## f) Reporting for public education program.

- 1) Any water supplier that is subject to the public education requirements in Section 611.355 must, within ten days after the end of each period in which the supplier is required to perform public education tasks in accordance with Section 611.355(c), send written documentation to the Agency that contains: By December 31st of each calendar year, any supplier that is subject to the public education requirements of Section 611.355 shall submit a letter to the Agency demonstrating materials which meet the following requirements:
  - A) A demonstration that the supplier has delivered the public education materials that meet the content requirements in Sections 611.335(a) and (b) and the delivery requirements in Section 611.355(c); and the content requirements of Section 611.355(a) and (b); and
  - B) A list of all the newspapers, radio stations, television stations, and facilities and organizations to which the supplier delivered public education materials during the period in which the supplier was required to perform public education tasks. the delivery requirements of Section 611.355(c).

- 2) Unless required by the Agency, by a SEP issued pursuant to Section 611.110, a supplier that previously has submitted the information required by subsection (f)(1)(B) of this Section need not resubmit the information required by subsection (f)(1)(B) of this Section, as long as there have been no changes in the distribution list and the supplier certifies that the public education materials were distributed to the same list submitted previously. The information submitted pursuant to this subsection shall include a list of all the newspapers, radio stations, television stations, facilities and organizations to which the supplier delivered public education materials during the previous year.

- 3) The supplier shall submit the letter required by this subsection annually for as long as it continues to exceed the lead action level.

- g) Reporting of additional monitoring data. Any supplier that collects sampling data in addition to that required by this Subpart must shall report the results of that sampling to the Agency within the first ten days following the end of the applicable sampling periods specified by Sections 611.356 through 611.358 during which the samples are collected.

- h) Reporting of 90th percentile lead and copper concentrations where the Agency calculates a system's 90th percentile concentrations. A water

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

supplier is not required to report the 90th percentile lead and copper concentrations measured from among all lead and copper tap water samples collected during each monitoring period, as required by subsection (a)(1)(D) of this Section if:

- 1) The Agency has previously notified the water supplier that it will calculate the water system's 90th percentile lead and copper concentrations, based on the lead and copper tap results submitted pursuant to subsection (h)(2)(A) of this Section, and has specified a date before the end of the applicable monitoring period by which the supplier must provide the results of lead and copper tap water samples;
- 2) The supplier has provided the following information to the Agency by the date specified in subsection (h)(1) of this Section:
  - A) The results of all tap samples for lead and copper including the location of each site and the criteria under Section 611.356(a)(3), (a)(4), (a)(5), (a)(6), or (a)(7) under which the site was selected for the system's sampling pool, pursuant to subsection (a)(1)(A) of this Section; and
  - B) An identification of sampling sites utilized during the current monitoring period that were not sampled during previous monitoring periods, and an explanation why sampling sites have changed; and
- 3) The Agency has provided the results of the 90th percentile lead and copper calculations, in writing, to the water supplier before the end of the monitoring period.

BOARD NOTE: Derived from 40 CFR 141.90 (1999, as amended at 65 Fed. Reg. 2012 (Jan. 12, 2000) 1-1994).

(Source: Amended at 25 Ill. Reg. 1329 effective JAN 1, 2001)

SUBPART I: DISINFECTANT RESIDUALS, DISINFECTION BYPRODUCTS, AND DISINFECTION BYPRODUCT PRECURSORS

Section 611.383 Compliance Requirements

a) General requirements.

- 1) Where compliance is based on a running annual average of monthly or quarterly samples or averages and the system fails to monitor for TTHM, HAA5, or bromate, this failure to monitor will be treated as a monitoring violation for the entire period covered by the annual average. Where compliance is based on a running annual average of monthly or quarterly samples or averages and the system's failure to monitor makes it impossible to determine compliance with the MCL for chlorine or chloramines, this failure to monitor will be treated as a monitoring violation for the entire period covered by the annual average.

- 2) All samples taken and analyzed under the provisions of this

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

Subpart must be included in determining compliance, even if that number is greater than the minimum required.

- 3) If, during the first year of monitoring under Section 611.382, any individual quarter's average will cause the running annual average of that system to exceed the MCL, the system is out of compliance at the end of that quarter.
- b) Disinfection byproducts (DBPs).

- 1) TTHMs and HAA5.

A) For systems monitoring quarterly, compliance with MCLs in Section 611.312 must be based on a running annual arithmetic average, computed quarterly, of quarterly arithmetic averages of all samples collected by the system as prescribed by Section 611.382(b)(1).

B) For systems monitoring less frequently than quarterly, systems demonstrate MCL compliance if the average of samples taken that year under the provisions of Section 611.382(b)(1) does not exceed the MCLs in Section 611.312. If the average of these samples exceed the MCL, the system must ~~shall~~ increase monitoring to once per quarter per treatment plant and is not in violation of the MCL until it has completed one year of quarterly monitoring, unless the result of fewer than four quarters of monitoring will cause the running annual average to exceed the MCL, in which case the system is in violation at the end of that quarter. Systems required to increase to quarterly monitoring must calculate compliance by including the sample that ~~which~~ triggered the increased monitoring plus the following three quarters of monitoring.

C) If the running annual arithmetic average of quarterly averages covering any consecutive four-quarter period exceeds the MCL, the system is in violation of the MCL and must notify the public pursuant to Subpart V of this Part ~~Section--611-851~~ in addition to reporting to the Agency pursuant to Section 611.384.

D) If a PWS fails to complete four consecutive quarter's monitoring, compliance with the MCL for the last four-quarter compliance period must be based on an average of the available data.

2) Bromate. Compliance must be based on a running annual arithmetic average, computed quarterly, of monthly samples (or, for months in which the system takes more than one sample, the average of all samples taken during the month) collected by the system as prescribed by Section 611.382(b)(3) ~~611382(b)(3)~~. If the average of samples covering any consecutive four-quarter period exceeds the MCL, the system is in violation of the MCL and must ~~shall~~ notify the public pursuant to Subpart V of this Part ~~Section 611-851~~, in addition to reporting to the Agency pursuant to Section 611.384. If a PWS fails to complete twelve consecutive

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

months' monitoring, compliance with the MCL for the last four-quarter compliance period must be based on an average of the available data.

- 3) Chlorite. Compliance must be based on an arithmetic average of each three sample set taken in the distribution system as prescribed by Section 611.382(b)(2)(A)(ii) and Section 611.382(b)(2)(B). If the arithmetic average of any three sample set exceeds the MCL, the system is in violation of the MCL and must ~~shall~~ notify the public pursuant to Subpart V of this Part ~~Section-611-851~~, in addition to reporting to the Agency pursuant to Section 611.384.

- c) Disinfectant residuals.

- 1) Chlorine and chloramines.

A) Compliance must be based on a running annual arithmetic average, computed quarterly, of monthly averages of all samples collected by the system under Section 611.382(c)(1). If the average of quarterly averages covering any consecutive four-quarter period exceeds the MRDL, the system is in violation of the MRDL and must ~~shall~~ notify the public pursuant to Subpart V of this Part ~~Section--611-851~~, in addition to reporting to the Agency pursuant to Section 611.384.

B) In cases where systems switch between the use of chlorine and chloramines for residual disinfection during the year, compliance must be determined by including together all monitoring results of both chlorine and chloramines in calculating compliance. Reports submitted pursuant to Section 611.384 must clearly indicate which residual disinfectant was analyzed for each sample.

- 2) Chlorine dioxide.

A) Acute violations. Compliance must be based on consecutive daily samples collected by the system under Section 611.382(c)(2). If any daily sample taken at the entrance to the distribution system exceeds the MRDL, and on the following day one (or more) of the three samples taken in the distribution system exceeds the MRDL, the system is in violation of the MRDL and must ~~shall~~ take immediate corrective action to lower the level of chlorine dioxide below the MRDL and must ~~shall~~ notify the public pursuant to the procedures for acute health risks in Subpart V of this Part ~~Section-611-851(f)(3)~~ in addition to reporting to the Agency pursuant to Section 611.384. Failure to take samples in the distribution system the day following an exceedance of the chlorine dioxide MRDL at the entrance to the distribution system will also be considered an MRDL violation and the system must ~~shall~~ notify the public of the violation in accordance with the provisions for acute violations under Subpart V of this Part ~~Section~~

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

611.385(c)(3) in addition to reporting to the Agency pursuant to Section 611.384.

B) Nonacute violations. Compliance must be based on consecutive daily samples collected by the system under Section 611.382(c)(2). If any two consecutive daily samples taken at the entrance to the distribution system exceed the MRDL and all distribution system samples taken are below the MRDL, the system is in violation of the MRDL and must shall take corrective action to lower the level of chlorine dioxide below the MRDL at the point of sampling and must shall notify the public pursuant to the procedures for nonacute health risks in Subpart V of this Part Section 611.385 in addition to reporting to the Agency pursuant to Section 611.384. Failure to monitor at the entrance to the distribution system the day following an exceedance of the chlorine dioxide MRDL at the entrance to the distribution system is also an MRDL violation and the system must shall notify the public of the violation in accordance with the provisions for nonacute violations under Subpart V of this Part Section 611.385 in addition to reporting to the Agency pursuant to Section 611.384.

d) Disinfection byproduct (DBP) precursors. Compliance must be determined as specified by Section 611.385(c). Systems may begin monitoring to determine whether Step 1 TOC removals can be met twelve months prior to the compliance date for the system. This monitoring is not required and failure to monitor during this period is not a violation. However, any system that does not monitor during this period, and then determines in the first twelve months after the compliance date that it is not able to meet the Step 1 requirements in Section 611.141(b)(2) and must therefore apply for alternate minimum TOC removal (Step 2) requirements, is not eligible for retroactive approval of alternate minimum TOC removal (Step 2) requirements as allowed pursuant to Section 611.385(b)(3) and is in violation of an NPDR. Systems may apply for alternate minimum TOC removal (Step 2) requirements any time after the compliance date. For systems required to meet Step 1 TOC removals, if the value calculated under Section 611.385(c)(1)(D) is less than 1.00, the system is in violation of the treatment technique requirements and must notify the public pursuant to Subpart V of this Part Section 611.385, in addition to reporting to the Agency pursuant to Section 611.384.

BOARD NOTE: Derived from 40 CFR 141.133 (1999), as amended at 65 Fed. Reg. 26022, May 4, 2000

(Source: Amended at 25 Ill. Reg. 1829 effective  
1829)

## SUBPART L: MICROBIOLOGICAL MONITORING AND ANALYTICAL REQUIREMENTS

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

## Section 611.527 Response to Violation

- a) A supplier that which has exceeded the MCL for total coliforms in Section 611.325 must shall report the violation to the Agency no later than the end of the next business day after it learns of the violation, and notify the public in accordance with Subpart V.
- b) A supplier that which has failed to comply with a coliform monitoring requirement, including the sanitary survey requirement, must shall report the monitoring violation to the Agency within ten days after the supplier discovers the violation, and notify the public in accordance with Subpart V.

BOARD NOTE: Derived from 40 CFR 141.21(g) (1999), as amended at 65 Fed. Reg. 26022, May 4, 2000 ~~1989~~ as amended at 54 Fed. Reg. 275627 June-29-1989.

(Source: Amended at 25 Ill. Reg. 1829 effective  
1829)

## SUBPART M: TURBIDITY MONITORING AND ANALYTICAL REQUIREMENTS

## Section 611.560 Turbidity

The requirements in this Section apply to unfiltered PWSs until December 30, 1991, unless the Agency has determined prior to that date that filtration is required. The requirements in this Section apply to filtered PWSs until June 29, 1993. The requirements in this Section apply to unfiltered PWSs that the Agency has determined must install filtration, until June 29, 1993, or until filtration is installed, whichever is later.

a) Suppliers must shall take samples at representative entry point(s) to the distribution system at least once per day, for the purposes of making turbidity measurements to determine compliance with Section 611.320.

1) If Public Health determines that a reduced sampling frequency in a non-CWS will not pose a risk to public health, it may reduce the required sampling frequency. The option of reducing the turbidity frequency will be permitted only in those suppliers that practice disinfection and which maintain an active RDC in the distribution system, and in those cases where Public Health has indicated in writing that no unreasonable risk to health existed under the circumstances of this option.

2) The turbidity measurements must be made in accordance with one of the methods set forth in Section 611.531(a).

b) If the result of a turbidity analysis indicates that the maximum allowable limit has been exceeded, the sampling and measurement must be confirmed by resampling as soon as practicable and preferably within one hour. If the repeat sample confirms that the maximum allowable limit has been exceeded, the supplier of water must shall report to the Agency within 48 hours. The repeat sample must be the



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

sample used for the purpose of calculating the monthly average. If the monthly average of the daily samples exceeds the maximum allowable limit, or if the average of two samples taken on consecutive days exceeds 5 NTU, the supplier of water must ~~shall~~ report to the Agency and notify the public as directed in Subpart V of this Part.

c) Sampling for non-CWSs must begin by June 29, 1991.

d) This Section applies only to suppliers that use water obtained in whole or in part from surface sources.

BOARD NOTE: Derived from 40 CFR 141.22 (1999), as amended at 65 Fed. Reg. 26022, May 4, 2000 (49947).

(Source: Amended at 25 Ill. Reg. 141.1.001 effective 1/1/91)

## SUBPART N: INORGANIC MONITORING AND ANALYTICAL REQUIREMENTS

## Section 611.606 Confirmation Samples

a) Where the results of sampling for antimony, asbestos, barium, beryllium, cadmium, chromium, cyanide, fluoride, mercury, nickel, selenium, or thallium indicate a level in excess of the MCL, the supplier must ~~shall~~ collect one additional sample as soon as possible after the supplier receives notification of the analytical result (but no later than two weeks after the initial sample was taken) at the same sampling point.

b) Where nitrate or nitrite sampling results indicate a level in excess of the MCL, the supplier must ~~shall~~ take a confirmation sample within 24 hours after the supplier's receipt of notification of the analytical results of the first sample.

1) Suppliers unable to comply with the 24-hour sampling requirement must ~~immediately~~ ~~based-on-the-initial-sample~~, notify the persons served in accordance with Section 611.902 and meet other Tier 1 public notification requirements under Subpart V of this Part 611.901.

2) Suppliers exercising this option must take and analyze a confirmation sample within two weeks of notification of the analytical results of the first sample.

c) Averaging rules are specified in Section 611.609. The Agency must ~~shall~~ delete the original or confirmation sample if it determines that a sampling error occurred, in which case the confirmation sample will replace the original sample.

BOARD NOTE: Derived from 40 CFR 141.23(f) (1999), as amended at 65 Fed. Reg. 26002 (May 4, 2000) (49957).

(Source: Amended at 25 Ill. Reg. 141.1.001 effective 1/1/91)

## Section 611.612 Monitoring Requirements for Old Inorganic MCLs

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

a) Analyses for the purpose of determining compliance with the old inorganic MCLs of Section 611.300 are required as follows:

1) Analyses for all CWSs utilizing surface water sources must be repeated at yearly intervals.

2) Analyses for all CWSs utilizing only groundwater sources must be repeated at three-year intervals.

3) This subsection (a)(3) corresponds with 40 CFR 141.23(l)(3) (1999), which requires monitoring for the repealed old MCL for nitrate at a frequency specified by the state. The Board has followed the USEPA lead and repealed that old MCL. This statement maintains structural consistency with USEPA rules.

4) This subsection (a)(4) corresponds with 40 CFR 141.23(l)(4) (1999), which authorizes the state to determine compliance and initiate enforcement action. This authority exists through the authorization of the Act, not through federal rules. This statement maintains structural consistency with USEPA rules.

b) If the result of an analysis made under subsection (a) of this Section of this Section indicates that the level of any contaminant listed in Section 611.300 exceeds the old MCL, the supplier must ~~shall~~ report to the Agency within 7 days and initiate three additional analyses at the same sampling point within one month.

c) When the average of four analyses made pursuant to subsection (b) of this Section, rounded to the same number of significant figures as the old MCL for the substance in question, exceeds the old MCL, the supplier must ~~shall~~ notify the Agency and give notice to the public pursuant to Subpart V of this Part. Monitoring after public notification must be at a frequency designated by the Agency by a SEP granted pursuant to Section 611.110 and must continue until the old MCL has not been exceeded in two successive samples or until a different monitoring schedule becomes effective as a condition to a variance, an adjusted standard, a site specific rule, an enforcement action, or another SEP granted pursuant to Section 611.110.

d) This subsection (d) corresponds with 40 CFR 141.23(o) (1999), which pertains to monitoring for the repealed old MCL for nitrate. The Board has followed the USEPA action and repealed that old MCL. This statement maintains structural consistency with USEPA rules.

e) This subsection (e) corresponds with 40 CFR 141.23(p) (1999), which pertains to the use of existing data up until a date long since expired. The Board did not adopt the original provision in R88-26. This statement maintains structural consistency with USEPA rules.

f) Except for arsenic, for which analyses must be made in accordance with Section 611.611, analyses conducted to determine compliance with the old MCLs of Section 611.300 must be made in accordance with the following methods, incorporated by reference in Section 611.102.

1) Fluoride: The methods specified in Section 611.611(c) must ~~shall~~ apply for the purposes of this Section.

2) Iron:

A) Standard Methods, 18th ed.:

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- i) Method 3111 B, or  
 ii) Method 3113 B, or  
 iii) Method 3120 B.
- B) USEPA Environmental Metals Methods:  
 i) Method 200.7, or  
 ii) Method 200.9.
- 3) Manganese:  
 A) Standard Methods, 18th ed.:  
 i) Method 3111 B, or  
 ii) Method 3113 B, or  
 iii) Method 3120 B.
- B) USEPA Environmental Metals Methods:  
 i) Method 200.7,  
 ii) Method 200.8, or  
 iii) Method 200.9.
- 4) Zinc:  
 A) Standard Methods, 18th ed.:  
 i) Method 3111 B, or  
 ii) Method 3120 B.
- B) USEPA Environmental Metals Methods:  
 i) Method 200.7, or  
 ii) Method 200.8.

BOARD NOTE: The provisions of subsections (a) through (f) of this Section derive from 40 CFR 141.23(l) through (p) (1999), as amended at 55 Fed. Reg. 26022, May 4, 2000. USEPA removed and reserved 40 CFR 141.23(q) (formerly 40 CFR 141.23(f) at 59 Fed. Reg. 62466 (Dec. 5, 1994). Subsection (f)(2) of this Section relates to a contaminant for which USEPA specifies an MCL, but for which it repealed the analytical method. Subsections (f)(2) through (f)(4) of this Section relate exclusively to additional state requirements. The Board retained subsections (f)(1), (f)(3), and (f)(4) of this Section to set forth methods for the inorganic contaminants for which there is a state-only MCL. The methods specified are those set forth in 40 CFR 143.4(b) (1999) for secondary MCLs. The predecessor to subsections (a) through (e) of this Section were formerly codified as Section 611.601. The predecessor to subsection (f) of this Section was formerly codified as Section 611.606.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART O: ORGANIC MONITORING AND ANALYTICAL REQUIREMENTS

## Section 611.646 Phase I, Phase II, and Phase V Volatile Organic Contaminants

Monitoring of the Phase I, Phase II, and Phase V VOCs for the purpose of determining compliance with the MCL must be conducted as follows:

- a) Definitions. As used in this Section:

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

"Detect" and "detection" mean that the contaminant of interest is present at a level greater than or equal to the "detection limit".

"Detection limit" means 0.0005 mg/L.  
 BOARD NOTE: Derived from 40 CFR 141.24(f)(7), (f)(11), (f)(14)(i), and (f)(20) (1999). This is a "trigger level" for Phase I, Phase II, and Phase V VOCs inasmuch as it prompts further action. The use of the term "detect" in this Section is not intended to include any analytical capability of quantifying lower levels of any contaminant, or the "method detection limit". Note, however, that certain language at the end of federal paragraph (f)(20) is capable of meaning that the "method detection limit" is used to derive the "detection limit". The Board has chosen to disregard that language at the end of paragraph (f)(20) in favor of the more direct language of paragraphs (f)(7) and (f)(11).

"Method detection limit" as used in subsections (q) and (t) of this Section means the minimum concentration of a substance that can be measured and reported with 99 percent confidence that the analyte concentration is greater than zero and is determined from analysis of a sample in a given matrix containing the analyte.

BOARD NOTE: Derived from 40 CFR 136, Appendix B (1999). The method detection limit is determined by the procedure set forth in 40 CFR 136, Appendix B. See subsection (t) of this Section.

- b) Required sampling. Each supplier must ~~shall~~ take a minimum of one sample at each sampling point at the times required in subsection (u) of this Section.

- c) Sampling points.

- 1) Sampling points for GWSs. Unless otherwise provided by a SEP granted by the Agency pursuant to Section 611.110, a GWS supplier must ~~shall~~ take at least one sample from each of the following points: each entry point that is representative of each well after treatment.
- 2) Sampling points for SWSs and mixed systems. Unless otherwise provided by a SEP granted by the Agency pursuant to Section 611.110, a SWS or mixed system supplier shall sample from each of the following points:
  - A) Each entry point after treatment; or
  - B) Points in the distribution system that are representative of each source.
- 3) The supplier must ~~shall~~ take each sample at the same sampling point unless the Agency has granted a SEP pursuant to Section 611.110 that designates another location as more representative of each source or treatment plant, or within the distribution system.



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- 4) If a system draws water from more than one source, and the sources are combined before distribution, the supplier must shall sample at an entry point during periods of normal operating conditions when water is representative of all sources being used.

BOARD NOTE: Subsections (b) and (c) of this Section derived from 40 CFR 141.24(f)(1) through (f)(3) (1999).

- d) Each CWS and NTNCS supplier must shall take four consecutive quarterly samples for each of the Phase I VOCs, excluding vinyl chloride, and Phase II VOCs during each compliance period, beginning in the initial compliance period.

- e) Reduction to annual monitoring frequency. If the initial monitoring for the Phase I, Phase II, and Phase V VOCs as allowed in subsection (f)(1) of this Section has been completed by December 31, 1992, and the supplier did not detect any of the Phase I VOCs, including vinyl chloride, Phase II, or Phase V VOCs, then the supplier must shall take one sample annually beginning in the initial compliance period.

- f) GWS reduction to triennial monitoring frequency. After a minimum of three years of annual sampling, GWS suppliers that have not previously detected any of the Phase I VOCs, including vinyl chloride, Phase II, or Phase V VOCs, must shall take one sample during each three-year compliance period.

- g) A CWS or NTNCS supplier that has completed the initial round of monitoring required by subsection (d) of this Section and which did not detect any of the Phase I VOCs, including vinyl chloride, Phase II, and Phase V VOCs, may apply to the Agency for a SEP pursuant to Section 611.110 that releases it from the requirements of subsection (e) or (f) of this Section. A supplier that serves fewer than 3300 service connections may apply to the Agency for a SEP pursuant to Section 611.110 that releases it from the requirements of subsection (d) of this Section as to 1,2,4-trichlorobenzene.

BOARD NOTE: Derived from 40 CFR 141.24(f)(7) and (f)(10) (1999), and the discussion at 57 Fed. Reg. 31825 (July 17, 1992). Provisions concerning the term of the waiver appear below in subsections (i) and (j) of this Section. The definition of "detect," parenthetically added to the federal counterpart paragraph, is in subsection (a) of this Section.

- h) Vulnerability Assessment. The Agency must shall consider the factors of Section 611.110(e) in granting a SEP from the requirements of subsection subsections (d), (e), or (f) of this Section sought pursuant to subsection (g) of this Section.

- i) A SEP issued to a GWS pursuant to subsection (g) of this Section is for a maximum of six years, except that a SEP as to the subsection (d) of this Section monitoring for 1,2,4-trichlorobenzene must shall apply only to the initial round of monitoring. As a condition of a SEP, except as to a SEP from the initial round of subsection (d) of this Section monitoring for 1,2,4-trichlorobenzene, the supplier shall, within 30 months after the beginning of the period for which the

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

waiver was issued, reconfirm its vulnerability assessment required by subsection (h) of this Section and submitted pursuant to subsection (g) of this Section, by taking one sample at each sampling point and reapplying for a SEP pursuant to subsection (g) of this Section. Based on this application, the Agency must shall either:

- 1) If it determines that the PWS meets the standard of Section 611.610(e), issue a SEP that reconfirms the prior SEP for the remaining three-year compliance period of the six-year maximum term; or

- 2) Issue a new SEP requiring the supplier to sample annually.

BOARD NOTE: Subsection (i) of this Section this provision does not apply to SWSs and mixed systems.

- j) Special considerations for SEPs for SWSs and mixed systems.

- 1) The Agency must determine that a SWS is not vulnerable before issuing a SEP pursuant to Section 611.110 to a SWS supplier. A SEP issued to a SWS or mixed system supplier pursuant to subsection (g) of this Section is for a maximum of one compliance period; and

- 2) The Agency may require, as a condition to a SEP issued to a SWS or mixed supplier, that the supplier take such samples for Phase I, Phase II, Phase V VOCs at such a frequency as the Agency determines are necessary, based on the vulnerability assessment.

BOARD NOTE: There is a great degree of similarity between 40 CFR 141.24(f)(7) (1999), the provision applicable to GWSSs, and 40 CFR 141.24(f)(10) (1999), the provision for SWSs. The Board has consolidated the common requirements of both paragraphs into subsection (g) of this Section. Subsection (j) of this Section represents the elements unique to SWSs and mixed systems, and subsection (i) of this Section relates to GWSSs. Although 40 CFR 141.24(f)(7) and (f)(10) are silent as to mixed systems, the Board has included mixed systems with SWSs because this best follows the federal scheme for all other contaminants.

- k) If one of the Phase I VOCs, excluding vinyl chloride, a Phase II VOC, or a Phase V VOC VOCs is detected in any sample, then:

- 1) The supplier must shall monitor quarterly for that contaminant at each sampling point that resulted in a detection.

- 2) Annual monitoring shall be required.

- A) The Agency must shall grant a SEP pursuant to Section 611.110 that allows a supplier to reduce the monitoring frequency to annually at a sampling point if it determines that the sampling point is reliably and consistently below the MCL.

- B) A request for a SEP must include the following minimal information:

- i) For a GWS, two quarterly samples.  
 ii) For a SWS or mixed system, four quarterly samples.  
 C) In issuing a SEP, the Agency must shall specify the level of the contaminant upon which the "reliably and consistently"

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

determination was based. All SEPs that allow less frequent monitoring based on an Agency "reliably and consistently" determination must shall include a condition requiring the supplier to resume quarterly monitoring pursuant to subsection (k)(1) of this Section if it violates the MCL specified by Section 611.311.

3) Suppliers that monitor annually must shall monitor during the quarters ~~quarters~~ that previously yielded the highest analytical result.

4) Suppliers that do not detect a contaminant at a sampling point in three consecutive annual samples may apply to the Agency for a SEP pursuant to Section 611.110 that allows it to discontinue monitoring for that contaminant at that point, as specified in subsection (g) of this Section.

5) A GWS supplier that has detected one or more of the two-carbon contaminants listed in subsection (k)(5)(A) of this Section must shall monitor quarterly for vinyl chloride as described in subsection (k)(5)(B) of this Section, subject to the limitation of subsection (k)(5)(C) of this Section.

A) Two-carbon contaminants (Phase I or II VOC):

1,2-Dichloroethane (Phase I)

1,1-Dichloroethylene (Phase I)

cis-1,2-Dichloroethylene (Phase II)

trans-1,2-Dichloroethylene (Phase II)

Tetrachloroethylene (Phase II)

1,1,1-Trichloroethylene (Phase I)

Trichloroethylene (Phase I)

B) The supplier must shall sample quarterly for vinyl chloride at each sampling point at which it detected one or more of the two-carbon contaminants listed in subsection (k)(5)(A) of this Section.

C) The Agency must shall grant a SEP pursuant to Section 611.110 that allows the supplier to reduce the monitoring frequency for vinyl chloride at any sampling point to once in each three-year compliance period if it determines that the supplier has not detected vinyl chloride in the first sample required by subsection (k)(5)(B) of this Section.

1) Quarterly monitoring following MCL violations.

1) Suppliers that violate an MCL for one of the Phase I VOCs, including vinyl chloride, Phase II, or Phase V VOCs, as determined by subsection (o) of this Section, must shall monitor quarterly for that contaminant, at the sampling point where the violation occurred, beginning at the next quarter after the violation.

2) Annual monitoring.

A) The Agency must shall grant a SEP pursuant to Section 611.110 that allows a supplier to reduce the monitoring frequency to annually if it determines that the sampling

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

point is reliably and consistently below the MCL.

B) A request for a SEP must include the following minimal information: four quarterly samples.

C) In issuing a SEP, the Agency must shall specify the level of the contaminant upon which the "reliably and consistently" determination was based. All SEPs that allow less frequent monitoring based on an Agency "reliably and consistently" determination must shall include a condition requiring the supplier to resume quarterly monitoring pursuant to subsection (1)(1) of this Section if it violates the MCL specified by Section 611.311.

D) The supplier must shall monitor during the quarter(s) that previously yielded the highest analytical result.

m) Confirmation samples. The Agency may issue a SEP pursuant to Section 610.110 to require a supplier to use a confirmation sample for results that it finds dubious for whatever reason. The Agency must state its reasons for issuing the SEP if the SEP is Agency-initiated.

1) If a supplier detects any of the Phase I, Phase II, or Phase V VOCs in a sample, the supplier must shall take a confirmation sample as soon as possible, but no later than 14 days after the supplier receives notice of the detection.

2) Averaging is as specified in subsection (o) of this Section.

3) The Agency must shall delete the original or confirmation sample if it determines that a sampling error occurred, in which case the confirmation sample will replace the original or confirmation sample.

n) This subsection (n) corresponds with 40 CFR 141.24(f)(14) (1999), an optional USEPA provision relating to compositing of samples that USEPA does not require for state programs. This statement maintains structural consistency with USEPA rules.

o) Compliance with the MCLs for the Phase I, Phase II, and Phase V VOCs must be determined based on the analytical results obtained at each sampling point.

1) For suppliers that conduct monitoring at a frequency greater than annual, compliance is determined by a running annual average of all samples taken at each sampling point.

A) If the annual average of any sampling point is greater than the MCL, then the supplier is out of compliance.

B) If the initial sample or a subsequent sample would cause the annual average to exceed the MCL, then the supplier is out of compliance immediately.

C) Any samples below the detection limit must shall be deemed as zero for purposes of determining the annual average.

2) If monitoring is conducted annually, or less frequently, the supplier is out of compliance if the level of a contaminant at any sampling point is greater than the MCL. If a confirmation sample is taken, the determination of compliance is based on the average of two samples.

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

3) When the portion of the distribution system that is out of compliance is separable from other parts of the distribution system and has no interconnections, the supplier may issue the public notice required by Subpart 9 of this Part only to persons served by that portion of the distribution system that is not in compliance.

p) This subsection (p) provision corresponds with 40 CFR 141.24(f)(16) (1999), which USEPA removed and reserved at 59 Fed. Reg. 62468 (Dec. 5, 1994). This statement maintains structural consistency with the federal regulations.

q) Analysis under this Section must only be conducted by laboratories that have received certification by USEPA or the Agency according to the following conditions:

1) To receive certification to conduct analyses for the Phase I VOCs, excluding vinyl chloride, Phase II VOCs, and Phase V VOCs, the laboratory must:

A) Analyze performance evaluation samples that include these substances provided by the Agency pursuant to 35 Ill. Adm. Code Part 186;

B) Achieve the quantitative acceptance limits under subsections (q)(1)(C) and (q)(1)(D) of this Section for at least 80 percent of the Phase I VOCs, excluding vinyl chloride, Phase II VOCs, except vinyl chloride, or Phase V VOCs;

C) Achieve quantitative results on the analyses performed under subsection (q)(1)(A) of this Section that are within  $\pm 20$  percent of the actual amount of the substances in the performance evaluation sample when the actual amount is greater than or equal to 0.010 mg/L;

D) Achieve quantitative results on the analyses performed under subsection (q)(1)(A) of this Section that are within  $\pm 40$  percent of the actual amount of the substances in the performance evaluation sample when the actual amount is less than 0.010 mg/L; and

E) Achieve a method detection limit of 0.0005 mg/L, according to the procedures in 40 CFR 136, Appendix B, incorporated by reference in Section 611.102.

2) To receive certification to conduct analyses for vinyl chloride the laboratory must:

A) Analyze performance evaluation samples provided by the Agency pursuant to 35 Ill. Adm. Code Part 186;

B) Achieve quantitative results on the analyses performed under subsection (q)(2)(A) of this Section that are within  $\pm 40$  percent of the actual amount of vinyl chloride in the performance evaluation sample;

C) Achieve a method detection limit of 0.0005 mg/L, according to the procedures in 40 CFR 136, Appendix B, incorporated by reference in Section 611.102; and

D) Obtain certification pursuant to subsection (q)(1) of this

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

Section for Phase I VOCs, excluding vinyl chloride, Phase II VOCs, and Phase V VOCs.

r) Use of existing data.

1) The Agency must ~~shall~~ allow the use of data collected after January 1, 1988 but prior to the effective date of this Section, pursuant to Agency sample request letters, if it determines that the data are generally consistent with the requirements of this Section.

2) The Agency must ~~shall~~ grant a SEP pursuant to Section 611.110 that allows a supplier to monitor annually beginning in the initial compliance period if it determines that the supplier did not detect any Phase I, Phase II, or Phase V VOCs using existing data allowed pursuant to subsection (r)(1) of this Section.

s) The Agency shall, by a SEP issued pursuant to Section 611.110, increase the number of sampling points or the frequency of monitoring if it determines that it is necessary to detect variations within the PWS.

t) Each laboratory certified for the analysis of Phase I, Phase II, or Phase V VOCs pursuant to subsection (q)(1) or (q)(2) of this Section shall:

1) Determine the method detection limit (MDL), as defined in 40 CFR 136, Appendix B, incorporated by reference in Section 611.102, at which it is capable of detecting the Phase I, Phase II, and Phase V VOCs; and,

2) Achieve an MDL for each Phase I, Phase II, and Phase V VOC that is less than or equal to 0.0005 mg/L.

u) Each supplier must ~~shall~~ monitor, within each compliance period, at the time designated by the Agency by SEP pursuant to Section 611.110.

BOARD NOTE: Derived from 40 CFR 141.24(f) (1999), as amended at 65 Fed. Reg. 26022 (May 4, 2000).

(Source: Amended at 25 Ill. Reg. ~~11.001~~ effective ~~11/1/00~~)

# Section 611.648 Phase II, Phase IIB, and Phase V Synthetic Organic Contaminants

Analysis of the Phase II, Phase IIB, and Phase V VOCs for the purposes of determining compliance with the MCL must be conducted as follows:

a) Definitions. As used in this Section, the following terms will have the following meanings:

"Detect or detection" means that the contaminant of interest is present at a level greater than or equal to the "detection limit".

"Detection limit" means the level of the contaminant of interest that is specified in subsection (r) of this Section below.

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

BOARD NOTE: This is a "trigger level" for Phase II, Phase IIB, and Phase V SOCs inasmuch as it prompts further action. The use of the term "detect" or "detection" in this Section ~~section~~ is not intended to include any analytical capability of quantifying lower levels of any contaminant, or the "method detection limit".

- b) Required sampling. Each supplier ~~must shall~~ take a minimum of one sample at each sampling point at the times required in subsection (q) of this Section ~~below~~.

BOARD NOTE: USEPA stated the effective date of the MCLs for aldicarb, aldicarb sulfone, and aldicarb sulfoxide at 57 Fed. Reg. 22178 (May 27, 1991). Section 611.311(c) includes this stay. However, despite the stay of the effectiveness of the MCLs for these three SOCs, suppliers must monitor for them.

- c) Sampling points.
- 1) Sampling points for GWSs. Unless otherwise provided by SEP, a GWS supplier must ~~shall~~ take at least one sample from each of the following points: each entry point that is representative of each well after treatment.
  - 2) Sampling points for SWSs and mixed systems. Unless otherwise provided by SEP, a SWS or mixed system supplier must ~~shall~~ sample from each of the following points:
    - A) Each entry point after treatment; or
    - B) Points in the distribution system that are representative of each source.

- 3) The supplier must ~~shall~~ take each sample at the same sampling point unless the Agency has granted a SEP that designates another location as more representative of each source, treatment plant, or within the distribution system.

- 4) If a system draws water from more than one source, and the sources are combined before distribution, the supplier must ~~shall~~ sample at an entry point during periods of normal operating conditions when water is representative of all sources being used.

BOARD NOTE: Subsections (b) and (c) of this Section ~~above~~ derived from 40 CFR 141.24(h)(1) through (h)(3) [1999] (~~1995~~).

- d) Monitoring frequency.

- 1) Each CWS and NTCWS supplier must ~~shall~~ take four consecutive quarterly samples for each of the Phase II, Phase IIB, and Phase V SOCs during each compliance period, beginning in the three-year compliance period starting in the initial compliance period.
- 2) Suppliers serving more than 3,300 persons that do not detect a contaminant in the initial compliance period must ~~shall~~ take a minimum of two quarterly samples in one year of each subsequent three-year compliance period.
- 3) Suppliers serving fewer ~~less~~ than or equal to 3,300 persons that do not detect a contaminant in the initial compliance period must ~~shall~~ take a minimum of one sample during each subsequent

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

three-year compliance period.

- e) Reduction to annual monitoring frequency. A CWS or NTCWS supplier may apply to the Agency for a SEP that releases it from the requirements of subsection (d) of this Section ~~above~~. A SEP from the requirement of subsection (d) of this Section ~~above~~ must ~~shall~~ last for only a single three-year compliance period.
- f) Vulnerability assessment ~~Assessment~~. The Agency must ~~shall~~ grant a SEP from the requirements of subsection (d) of this Section ~~above~~ based on consideration of the factors set forth at Section 611.110(e). If one of the Phase II, Phase IIB, or Phase V SOCs is detected in any sample, then the following must occur:
  - 1) The supplier must ~~shall~~ monitor quarterly for the contaminant at each sampling point that resulted in a detection.
  - 2) Annual monitoring.
- g) A supplier may request that the Agency grant a SEP pursuant to Section 610.110 that reduces the monitoring frequency to annual.

- B) A request for a SEP must include the following minimal information:
  - i) For a CWS, two quarterly samples.
  - ii) For a SWS or mixed system, four quarterly samples.
- C) The Agency must ~~shall~~ grant a SEP that allows annual monitoring at a sampling point if it determines that the sampling point is reliably and consistently below the MCL.
- D) In issuing the SEP, the Agency must ~~shall~~ specify the level of the contaminant upon which the "reliably and consistently" determination was based. All SEPs that allow less frequent monitoring based on an Agency "reliably and consistently" determination must ~~shall~~ include a condition requiring the supplier to resume quarterly monitoring pursuant to subsection (g)(1) of this Section ~~above~~ if it detects any Phase II SOC.

- 3) Suppliers that monitor annually must ~~shall~~ monitor during the quarters ~~quarters~~ that previously yielded the highest analytical result.
- 4) Suppliers that have three consecutive annual samples with no detection of a contaminant at a sampling point may apply to the Agency for a SEP with respect to that point, as specified in subsections (e) and (f) of this Section ~~above~~.
- 5) Monitoring for related contaminants.
  - A) If monitoring results in detection of one or more of the related contaminants listed in subsection (g)(5)(B) of this Section ~~below~~, subsequent monitoring must ~~shall~~ analyze for all the related compounds in the respective group.

- B) Related contaminants:
  - i) First ~~first~~ group:
    - aldicarb
    - aldicarb sulfone



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- aldicarb sulfoxide  
ii) Second second group:  
heptachlor epoxide.

## h) Quarterly monitoring following MCL violations.

- 1) Suppliers that violate an MCL for one of the Phase II, Phase IIB, or Phase V SOCs, as determined by subsection (k) of this Section below, must shall monitor quarterly for that contaminant at the sampling point where the violation occurred, beginning the next quarter after the violation.

## 2) Annual monitoring.

- A) A supplier may request that the Agency grant a SEP pursuant to Section 611.110 that reduces the monitoring frequency to annual.
- B) A request for a SEP must include, at a minimum, the results from four quarterly samples.
- C) The Agency must shall grant a SEP that allows annual monitoring at a sampling point if it determines that the sampling point is reliably and consistently below the MCL.
- D) In issuing the SEP, the Agency must shall specify the level of the contaminant upon which the "reliably and consistently" determination was based. All SEPs that allow less frequent monitoring based on an Agency "reliably and consistently" determination must shall include a condition requiring the supplier to resume quarterly monitoring pursuant to subsection (h)(1) of this Section above if it detects any Phase II SOC.
- E) The supplier must shall monitor during the quarters quarter(s) that previously yielded the highest analytical result.

## i) Confirmation samples.

- 1) If any of the Phase II, Phase IIB, or Phase V SOCs are detected in a sample, the supplier must shall take a confirmation sample as soon as possible, but no later than 14 days after the supplier receives notice of the detection.
- 2) Averaging is as specified in subsection (k) of this Section below.
- 3) The Agency must shall delete the original or confirmation sample if it determines that a sampling error occurred, in which case the confirmation sample will replace the original or confirmation sample.
- j) This subsection (i) corresponds with 40 CFR 141.24(h)(10), an optional USEPA provision relating to compositing of samples that USEPA does not require for state programs. This statement maintains structural consistency with USEPA rules.
- k) This subsection (k) corresponds with 40 CFR 141.24(h)(11) (1999), which USEPA removed at 65 Fed. Reg. 26022 (May 4, 2000). This statement maintains structural consistency with the federal

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

regulations. Compliance with the MCLs for the Phase II, Phase IIB, and Phase V SOCs shall be determined based on the analytical results obtained at each sampling point.

- 1) For suppliers that are conducting monitoring at a frequency greater than annual, compliance is determined by a running annual average of all samples taken at each sampling point.

A) If the annual average of any sampling point is greater than the MCL, then the supplier is out of compliance.

B) If the initial sample or a subsequent sample would cause the annual average to be exceeded, then the supplier is out of compliance immediately.

C) Any samples below the detection limit must be calculated as zero for purposes of determining the annual average.

2) If monitoring is conducted annually or less frequently, the supplier is out of compliance if the level of a contaminant at any sampling point is greater than the MCL. If a confirmation sample is taken, the determination of compliance is based on the average of two samples.

3) When the portion of the distribution system that is out of compliance is separable from other parts of the distribution system and has no interconnections, the supplier may issue the public notice required by Subpart G of this part is only to persons served by that portion of the distribution system that is not in compliance.

BOAR-B-NQ28--Derived from 40-CFR-141-24(h)(11)-(1995):

- 1) This subsection (1) provision corresponds with 40 CFR 141.24(h)(12) (1999) (1995), which USEPA removed and reserved at 59 Fed. Reg. 62468 (Dec. 5, 1994). This statement maintains structural consistency with the federal regulations.

m) Analysis for PCBs must be conducted as follows using the methods in Section 611.645:

1) Each supplier that monitors for PCBs must shall analyze each sample using either USEPA Organic Methods, Method 505 or Method 508.

2) If PCBs are detected in any sample analyzed using USEPA Organic Methods, Methods 505 or 508, the supplier must shall reanalyze the sample using 508A to quantitate the individual Aroclors (as decachlorobiphenyl).

3) Compliance with the PCB MCL must be determined based upon the quantitative results of analyses using USEPA Organic Methods, Method 508A.

n) Use of existing data.

1) The Agency must shall allow the use of data collected after January 1, 1990 but prior to the effective date of this Section, pursuant to Agency sample request letters, if it determines that the data are generally consistent with the requirements of this Section.

2) The Agency must shall grant a SEP pursuant to Section 611.110



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

that allows a supplier to monitor annually beginning in the initial compliance period if it determines that the supplier did not detect any Phase I VOC or Phase II VOC using existing data allowed pursuant to subsection (n)(1) of this Section above.

- o) The Agency must ~~shall~~ issued a SEP that increases the number of sampling points or the frequency of monitoring if it determines that this is necessary to detect variations within the PWS due to such factors as fluctuations in contaminant concentration due to seasonal use or changes in the water source.

BOARD NOTE: At 40 CFR 141.24(h)(15), USEPA uses the stated factors as non-limiting examples of circumstances that make additional monitoring necessary.

- p) This subsection (p) corresponds with 40 CFR 141.24(h)(16), a USEPA provision that the Board has not adopted because it reserves enforcement authority to the State ~~state~~ and would serve no useful function as part of the State's ~~state's~~ rules. This statement maintains structural consistency with USEPA rules.

- q) Each supplier must ~~shall~~ monitor, within each compliance period, at the time designated by the Agency by SEP pursuant to Section 611.110.

- r) "Detection" means greater than or equal to the following concentrations for each contaminant:

- 1) for PCBs (Aroclors):

| Aroclor | Detection Limit (mg/L) |
|---------|------------------------|
| 1016    | 0.00008                |
| 1221    | 0.02                   |
| 1232    | 0.0005                 |
| 1242    | 0.0003                 |
| 1248    | 0.0001                 |
| 1254    | 0.0001                 |
| 1260    | 0.0002                 |

- 2) for other Phase II, Phase IIB, and Phase V SOCs:

| Contaminant        | Detection Limit (mg/L) |
|--------------------|------------------------|
| Alachlor           | 0.0002                 |
| Aldicarb           | 0.0005                 |
| Aldicarb sulfoxide | 0.0005                 |
| Aldicarb sulfone   | 0.0008                 |
| Atrazine           | 0.0001                 |
| Benzo(a)pyrene     | 0.00002                |
| Carbofuran         | 0.0009                 |
| Chlordane          | 0.0002                 |
| 2,4-D              | 0.0001                 |
| Dalapon            | 0.001                  |

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|                                      |            |
|--------------------------------------|------------|
| 1,2-Dibromo-3-chloropropane (DBCP)   | 0.00002    |
| Di(2-ethylhexyl)adipate              | 0.0006     |
| Di(2-ethylhexyl)phthalate            | 0.0006     |
| Dinoseb                              | 0.0002     |
| Diquat                               | 0.0004     |
| Endothall                            | 0.009      |
| Endrin                               | 0.00001    |
| Ethylene dibromide (EDB)             | 0.00001    |
| Glyphosate                           | 0.006      |
| Heptachlor                           | 0.00004    |
| Heptachlor epoxide                   | 0.00002    |
| Hexachlorobenzene                    | 0.0001     |
| Hexachlorocyclopentadiene            | 0.0001     |
| Lindane                              | 0.00002    |
| Methoxychlor                         | 0.0001     |
| Oxamyl                               | 0.002      |
| Picloram                             | 0.0001     |
| Polychlorinated biphenyls (PCBs)     |            |
| (as decachlorobiphenyl)              | 0.0001     |
| Pentachlorophenol                    | 0.00004    |
| Simazine                             | 0.00007    |
| Toxaphene                            | 0.001      |
| 2,3,7,8-TCDD (dioxin)                | 0.00000005 |
| 2,4,5-TP (Silvex <del>Silvex</del> ) | 0.0002     |

s) Laboratory certification ~~certification~~.

- 1) Analyses under this Section must only be conducted by laboratories that have received approval by USEPA or the Agency according to the following conditions.

- 2) To receive certification to conduct analyses for the Phase II, Phase IIB, and Phase V SOCs, the laboratory must do the following:

A) Analyze performance evaluation samples provided by the Agency pursuant to 35 Ill. Adm. Code 183.125(c) that include these substances; and

B) Achieve quantitative results on the analyses performed under subsection (s)(2)(A) of this Section ~~above~~ that are within the following acceptance limits: ~~set--forth--in--subsection~~ ~~set--forth--below~~.

## e) Acceptance-limits:

## SOC

|                    | Acceptance Limits     |
|--------------------|-----------------------|
| Alachlor           | ± 45%                 |
| Aldicarb           | 2 standard deviations |
| Aldicarb sulfone   | 2 standard deviations |
| Aldicarb sulfoxide | 2 standard deviations |
| Atrazine           | ± 45%                 |
| Benzo(a)pyrene     | 2 standard deviations |

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|                              |        |                       |
|------------------------------|--------|-----------------------|
| Carbofuran                   | ± 45%  | 2 standard deviations |
| Chlordane                    | ± 45%  | 2 standard deviations |
| Dalapon                      |        | 2 standard deviations |
| Di(2-ethylhexyl)adipate      |        | 2 standard deviations |
| Di(2-ethylhexyl)phthalate    |        | 2 standard deviations |
| Dinoseb                      |        | 2 standard deviations |
| Diquat                       |        | 2 standard deviations |
| Endothall                    |        | 2 standard deviations |
| Endrin                       | ± 30%  | 2 standard deviations |
| Glyphosate                   |        | 2 standard deviations |
| Dibromochloropropane (DBCP)  | ± 40%  | 2 standard deviations |
| Ethylene dibromide (EDB)     | ± 40%  | 2 standard deviations |
| Heptachlor                   | ± 45%  | 2 standard deviations |
| Heptachlor epoxide           | ± 45%  | 2 standard deviations |
| Hexachlorobenzene            |        | 2 standard deviations |
| Hexachlorocyclopentadiene    |        | 2 standard deviations |
| Lindane                      | ± 45%  | 2 standard deviations |
| Methoxychlor                 | ± 45%  | 2 standard deviations |
| Oxamyl                       |        | 2 standard deviations |
| PCBs (as decachlorobiphenyl) | 0-200% | 2 standard deviations |
| Pentachlorophenol            | ± 50%  | 2 standard deviations |
| Picloram                     |        | 2 standard deviations |
| Simazine                     |        | 2 standard deviations |
| Toxaphene                    | ± 45%  | 2 standard deviations |
| 2,4-D                        | ± 50%  | 2 standard deviations |
| 2,3,7,8-TCDD (dioxin)        |        | 2 standard deviations |
| 2,4,5-TP (silvex Stivex)     | ± 50%  | 2 standard deviations |

BOARD NOTE: Derived from 40 CFR 141.24(h) (1999), as amended at 65 Fed. Reg. 26002 (May 4, 2000) (1999).

(Source: Amended at 25 Ill. Reg. 1029, effective 1/1/00)

## SUBPART P: M MONITORING AND ANALYTICAL REQUIREMENTS

## Section 611.684 Averaging

Compliance with Section 611.310(c) or 611.312(a) is determined based on a running annual average of quarterly samples collected by the PWS as prescribed in Section 611.680(b)(1) or (2). If the average of samples covering any 12 month period exceeds the MCL, the PWS must shalt report to the Agency and notify the public pursuant to Subpart V. Monitoring after public notification must be at a frequency designated by the Agency and must continue until a monitoring schedule as a condition to a variance, adjusted standard or enforcement action becomes effective.

BOARD NOTE: Derived from 40 CFR 141.30(d) (1999), as amended at 65 Fed. Reg. 26022, May 4, 2000 (1999).

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 25 Ill. Reg. 1029, effective 1/1/00)

## SUBPART Q: RADIOLOGICAL MONITORING AND ANALYTICAL REQUIREMENTS

## Section 611.731 Gross Alpha

Monitoring requirements for gross alpha particle activity, radium-226 and radium-228 are as follows:

a) Compliance must be based on the analysis of an annual composite of four consecutive quarterly samples or the average of the analyses of four samples obtained at quarterly intervals.

1) A gross alpha particle activity measurement may be substituted for the required radium-226 and radium-228 analysis, provided that the measured gross alpha particle activity does not exceed 5 pCi/L at a confidence level of 95 percent (1.65 sigma where sigma is the standard deviation of the net counting rate of the sample). In localities where radium-228 may be present in drinking water, the Agency may, by permit condition, require radium-226 or radium-228 analyses when the gross alpha particle activity exceeds 2 pCi/L.

2) When the gross alpha particle activity exceeds 5 pCi/L, the same or an equivalent sample must be analyzed for radium-226. If the concentration of radium-226 exceeds 3 pCi/L the same or an equivalent sample must be analyzed for radium-228.

b) See Section 611.100(e).

c) CWS suppliers must shalt monitor at least once every four years following the procedure required by subsection (a) of this Section. When an annual record taken in conformance with subsection (a) of this Section has established that the average annual concentration is less than half the MCLs established by Section 611.330, the Agency shall, by special exception permit, substitute analysis of a single sample for the quarterly sampling procedure required by subsection (a) of this Section.

1) The Agency shall, by special exception permit, require more frequent monitoring in the vicinity of mining or other operations that which may contribute alpha particle radioactivity to either surface or groundwater sources of drinking water.

2) A CWS supplier must shalt monitor in conformance with subsection (a) of this Section for one year after the introduction of a new water source. The Agency shall, by special exception permit, require more frequent monitoring in the event of possible contamination or when changes in the distribution system or treatment process occur that which may increase the concentration of radioactivity in finished water.

3) The Agency shall, by special exception permit, require a CWS supplier using two or more sources having different concentrations of radioactivity to monitor source water, in

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- addition to water from a free-flowing tap.
- 4) The Agency must ~~shall~~ not require monitoring for radium-228 to determine compliance with Section 611.330 after the initial period, provided that the average annual concentration of radium-228 has been assayed at least once using the quarterly sampling procedure required by subsection (a) of this Section.
  - 5) The Agency must ~~shall~~ require the CWS supplier to conduct annual monitoring if the radium-226 concentration exceeds 3 pCi/L.
  - d) If the average annual MCL for gross alpha particle activity or total radium as set forth in Section 611.330 is exceeded, the CWS must ~~shall~~ give notice to the Agency and notify the public as required by Subpart V g. Monitoring at quarterly intervals must be continued until the annual average concentration no longer exceeds the MCL or until a monitoring schedule as a condition to a variance, adjusted standard or enforcement action becomes effective.

BOARD NOTE: Derived from 40 CFR 141.26(a) (1999), as amended at 65 Fed. Reg. 26022, May 4, 2000 (1999).

(Source: Amended at 25 Ill. Reg. 1829 effective 1/1/00)

## Section 611.732 Manmade Radioactivity

Monitoring requirements for manmade radioactivity in CWSs are as follows:

- a) CWSs using surface water sources and serving more than 100,000 persons and such other CWSs as the Agency by permit condition requires must monitor for compliance with Section 611.331 by analysis of a composite of four consecutive quarterly samples or analysis of four quarterly samples. Compliance with Section 611.331 is assumed without further analysis if the average annual concentration of gross beta particle activity is less than 50 pCi/L and if the average annual concentrations of tritium and strontium-90 are less than those listed in Section 611.331, provided that if both radionuclides are present the sum of their annual dose equivalents to bone marrow must not exceed 4 millirem/year.
- 1) If the gross beta particle activity exceeds 50 pCi/L, an analysis of the sample must be performed to identify the major radioactive constituents present and the appropriate organ and total body doses must be calculated to determine compliance with Section 611.331.
- 2) If the MCLs are exceeded, the Agency shall, by special exception permit, require the supplier to conduct additional monitoring to determine the concentration of man-made radioactivity in principal watersheds.
- 3) The Agency shall, pursuant to subsection (d) of this Section, by special exception permit, require suppliers of water utilizing only groundwater to monitor for man-made radioactivity.
- b) See Section 611.100(e).

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- c) CWS suppliers must ~~shall~~ monitor at least every four years following the procedure in subsection (a) of this Section.
- d) The Agency shall, by special exception permit, require any CWS supplier utilizing waters contaminated by effluents from nuclear facilities to initiate quarterly monitoring for gross beta particle and iodine-131 radioactivity and annual monitoring for strontium-90 and tritium.
- 1) Quarterly monitoring for gross beta particle activity must be based on the analysis of monthly samples or the analysis of a composite of three monthly samples. If the gross beta particle activity in a sample exceeds 15 pCi/L, the same or an equivalent sample must be analyzed for strontium-89 and cesium-134. If the gross beta particle activity exceeds 50 pCi/L, an analysis of the sample must be performed to identify the major radioactive constituents ~~constituents~~ present and the appropriate organ and total body doses must be calculated to determine compliance with Section 611.331.
- 2) For iodine-131, a composite of five consecutive daily samples must be analyzed once each quarter. The Agency shall, by special exception permit, require more frequent monitoring when iodine-131 is identified in the finished water.
- 3) The Agency shall, by special exception permit, require annual monitoring for strontium-90 and tritium by means of the analysis of a composite of four consecutive quarterly samples or analysis of four quarterly samples.
- 4) The Agency shall, by special exception permit, allow the substitution of environmental surveillance data taken with conjunction with a nuclear facility for direct monitoring of manmade radioactivity by the supplier where the Agency determines such data is applicable to the CWS.
- e) If the average annual MCL for man-made radioactivity set forth in Section 611.331 is exceeded, the operator of a CWS must ~~shall~~ give notice to the Agency and to the public as required by Subpart V g. Monitoring at monthly intervals must be continued until the concentration no longer exceeds the MCL or until a monitoring schedule as a condition to a variance, adjusted standard or enforcement action becomes effective.

BOARD NOTE: Derived from 40 CFR 141.26(b) (1999), as amended at 65 Fed. Reg. 26022, May 4, 2000 (1999).

(Source: Amended at 20 Ill. Reg. 14493, effective October 22, 1996)

## SUBPART R: ENHANCED FILTRATION AND DISINFECTION

## Section 611.745 Reporting and Recordkeeping Requirements

In addition to the reporting and recordkeeping requirements in Sections 611.261 and 611.262, a public water system subject to the requirements of this Subpart



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

that provides conventional filtration treatment or direct filtration must shall report monthly to the Agency the information specified in subsections (a) and (b) of this Section beginning January 1, 2002. In addition to the reporting and recordkeeping requirements in Sections 611.261 and 611.262, a public water system subject to the requirements of this Subpart that provides filtration approved under Section 611.743(b) must shall report monthly to the Agency the information specified in subsection (a) of this Section beginning January 1, 2002. The reporting in subsection (a) of this Section is in lieu of the reporting specified in Section 611.262(a).

a) Turbidity measurements, as required by Section 611.743, must be reported within ten days after the end of each month the system serves water to the public. Information that must be reported is the following:

- 1) The total number of filtered water turbidity measurements taken during the month.
- 2) The number and percentage of filtered water turbidity measurements taken during the month which are less than or equal to the turbidity limits specified in Section 611.743(a) or (b).
- 3) The date and value of any turbidity measurements taken during the month that exceed 1 NTU for systems using conventional filtration treatment or direct filtration, or that exceed the maximum level under Section 611.743(b).

b) Systems must shall maintain the results of individual filter monitoring taken under Section 611.744 for at least three years. Systems must shall report that they have conducted individual filter turbidity monitoring under Section 611.744 within ten days after the end of each month the system serves water to the public. Systems must shall report individual filter turbidity measurement results taken under Section 611.744 within ten days after the end of each month the system serves water to the public only if measurements demonstrate one or more of the conditions in subsections (b)(1) through (4) of this Section. Systems that use lime softening may apply to the Agency for alternative exceedance levels for the levels specified in subsections (b)(1) through (4) of this Section if they can demonstrate that higher turbidity levels in individual filters are due to lime carryover only and not due to degraded filter performance.

- 1) For any individual filter that has a measured turbidity level of greater than 1.0 NTU in two consecutive measurements taken 15 minutes apart, the system must shall report the filter number, the turbidity measurement, and the dates date(s) on which the exceedance occurred. In addition, the system must shall either produce a filter profile for the filter within seven days after of the exceedance (if the system is not able to identify an obvious reason for the abnormal filter performance) and report that the profile has been produced or report the obvious reason for the exceedance.

- 2) For any individual filter that has a measured turbidity level of greater than 0.5 NTU in two consecutive measurements taken 15

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

minutes apart at the end of the first four hours of continuous filter operation after the filter has been backwashed or otherwise taken offline, the system must shall report the filter number, the turbidity, and the dates date(s) on which the exceedance occurred. In addition, the system must shall either produce a filter profile for the filter within seven days after the exceedance (if the system is not able to identify an obvious reason for the abnormal filter performance) and report that the profile has been produced or report the obvious reason for the exceedance.

- 3) For any individual filter that has a measured turbidity level of greater than 1.0 NTU in two consecutive measurements taken 15 minutes apart at any time in each of three consecutive months, the system must shall report the filter number, the turbidity measurement, and the dates date(s) on which the exceedance occurred. In addition, the system must shall conduct a self-assessment of the filter within 14 days after of the exceedance and report that the self-assessment was conducted. The self-assessment self-assessment must consist of at least the following components: assessment of filter performance; development of a filter profile; identification and prioritization of factors limiting filter performance; assessment of the applicability of corrections; and preparation of a filter self-assessment report.

- 4) For any individual filter that has a measured turbidity level of greater than 2.0 NTU in two consecutive measurements taken 15 minutes apart at any time in each of two consecutive months, the system must shall report the filter number, the turbidity measurement, and the dates date(s) on which the exceedance occurred. In addition, the system must shall arrange for the conduct of a comprehensive performance evaluation by the Agency or a third party approved by the Agency no later than 30 days following the exceedance and have the evaluation completed and submitted to the Agency no later than 90 days following the exceedance.

c) Additional reporting requirements.

- 1) If at any time the turbidity exceeds 1 NTU in representative samples of filtered water in a system using conventional filtration treatment or direct filtration, the supplier must consult with the Agency as soon as practical, but no later than 24 hours after the exceedance is known, in accordance with the public notification requirements under Section 611.903(b)(3).

- 2) If at any time the turbidity in representative samples of filtered water exceeds the maximum level set by the Agency under Section 611.743(b) for filtration technologies other than conventional filtration treatment, direct filtration, slow sand filtration, or diatomaceous earth filtration, the supplier must consult with the Agency as soon as practical, but no later than

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

24 hours after the exceedance is known, in accordance with the public notification requirements under Section 611.803(b)(3).  
 BOARD NOTE: Derived from 40 CFR 141.175 (1999), as amended at 65 Fed. Reg. 26035 (May 4, 2000).

(Source: Amended at 25 Ill. Reg. 12/28/99 effective 1/1/00)

## SUBPART T: REPORTING-PUBBLIC-NOTIFICATION AND RECORDKEEPING

## Section 611.832 Notice by Agency (Repealed)

The Agency may give the public notices required in this Part on behalf of the supplier. However, the supplier remains responsible for ensuring that the requirements of this Part are met.  
 BOARD NOTE: Drawn from 40 CFR 141.324(f)-(1989).

(Source: Repealed at 25 Ill. Reg. 12/28/99, effective 1/1/00)

## Section 611.840 Reporting

a) Except where a shorter period is specified in this Part, a supplier must shall report to the Agency the results of any test measurement or analysis required by this Part within the following times, whichever is shortest:

- 1) The first ten days following the month in which the result is received; or
- 2) The first ten days following the end of the required monitoring period, as specified by special exception permit.
- b) Except where a different reporting period is specified in this Part, the PWS must shall report to the Agency within 48 hours any failure to comply with any provision (including failure to comply with monitoring requirements) of this Part.
- c) The supplier is not required to report analytical results to the Agency in cases where an Agency laboratory performs the analysis.
- d) The supplier, within ten days after completing the of completion of each public notification requirements under Subpart V of this Part for the initial public notice and any repeat notices, must required pursuant to Section 611.851 et seq., shall submit to the Agency a certification that it has fully complied with the public notification regulations. The PWS must include with this certification a representative copy of each type of notice distributed, published, posted or made available to the persons served by the supplier or to the media.
- e) The supplier must shall submit to the Agency within the time stated in the request copies of any records required to be maintained under Section 611.860 or copies of any documents then in existence which the

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

Agency is entitled to inspect pursuant to the authority of Section 4 of the Act.

BOARD NOTE: Derived from 40 CFR 141.31 (1999) (1989), as amended at 65 Fed. Reg. 26022 (May 4, 2000) 275627-June-29-1989.

(Source: Amended at 25 Ill. Reg. 12/28/99 effective 1/1/00)

## Section 611.851 Reporting MCL, MRDL, and other Violations (Repealed)

A PWS that fails to comply with an applicable MCL or treatment technique established by this Part or which fails to comply with the requirements of any schedule prescribed pursuant to a variance or adjusted standard shall notify persons served by the PWS as follows:

- a) Except as provided in subsection (c), the supplier shall give notice:
  - 1) By publication in a daily newspaper of general circulation in the area served by the PWS as soon as possible, but in no case later than 14 days after the violation or failure, if the area served by a PWS is not served by a daily newspaper of general circulation, notice must instead be given by publication in a weekly newspaper of general circulation serving the area; and
  - 2) By mail delivery (by direct mail or with the water bill) or by hand delivery, not later than 45 days after the violation or failure. This is not required if the Agency determines by SBP that the supplier in violation has corrected the violation or failure within the 45 day period; and
  - 3) For violations of the MCLs of contaminants or MRBLs of disinfectants that pose an acute risk to human health by furnishing a copy of the notice to the radio and television stations serving the area served by the PWS as soon as possible but in no case later than 72 hours after the violation. The following violations are acute violations:
    - A) Any violations posing an acute risk to human health as specified in this Part or as determined by the Agency on a case-by-case basis;
    - B) Violation of the MCL for nitrate or nitrite in Section 611.801;
    - C) Violation of the MCL for total coliforms when fecal coliforms or E. coli are present in the water distribution system as specified in Section 611.825(b);
    - B) Occurrence of a waterborne disease outbreak;
    - B) Violation of the MRBL for chlorine dioxide as defined in Section 611.813 and determined according to Section 611.803(c)(2);
- b) Except as provided in subsection (c), following the initial notice given under subsection (a), the supplier shall give notice at least once every three months by mail delivery (by direct mail or with the water bill) or by hand delivery for as long as the violation or



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

## failure-exists-

## c) Alternative methods of notice:

1) In lieu of the requirements of subsections (a) and (b), a-EWS supplier in an area that is not served by a daily or weekly newspaper of general circulation shall give notice by hand delivery or by continuous posting in conspicuous places within the area served by the EWS. Notice by hand delivery or posting must begin as soon as possible, but no later than 72 hours after the violation or failure for acute violations (as defined in subsection (a)(3)) or 14 days after the violation or failure (for any other violation). Posting must continue for as long as the violation or failure exists. Notice by hand delivery must be repeated at least every three months for as long as the violation or failure exists.

2) In lieu of the requirements of subsections (a) and (b), a non-EWS supplier may give notice by hand delivery or by continuous posting in conspicuous places within the area served by the non-EWS. Notice by hand delivery or posting must begin as soon as possible, but no later than 72 hours after the violation or failure for acute violations (as defined in subsection (a)(3)) or 14 days after the violation or failure (for any other violation). Posting must continue for as long as the violation or failure exists. Notice by hand delivery must be repeated at least every three months for as long as the violation or failure exists.

3) Where allowed pursuant to Section 611.609(d), 611.646(a)(3) or 611.648(k)(3) because it has a separable system, a supplier may issue public notice only to persons on that portion of its system that is out of compliance.

BOARD-NOTE: Generally derived from 40-EPR-141-32(a)-(1998). Subsection (c)(3) derived from 40-EPR-141-23(i)(4)-6-141-24(f)(15)(i)(7)-(9)(9)-6-(h)(1)(i)(1) (1993).

(Source: Repealed at 25 Ill. Reg. 1989 effective 1/1/90)

## Section 611.852 Reporting other Violations (Repealed)

A supplier that fails to perform monitoring required by this Part, which fails to comply with a testing procedure established by this Part, or which is subject to a variance or adjusted standard under Section 611.111, 611.112, or 611.113 shall notify persons served by the PWS as follows:

a) Except as provided in subsection (c) or (d), the supplier shall give notice within three months of the violation or granting of a variance or adjusted standard, by publication in a daily newspaper of general circulation in the area served by the PWS, if the area served by a PWS is not served by a daily newspaper of general circulation. Notice must instead be given by publication in a weekly newspaper of general

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

## circulation-serving-the-area-

b) Except as provided in subsection (c) or (d), following the initial notice given under subsection (a), the supplier must give notice at least once every three months by mail delivery (by direct mail or with the water bill) or by hand delivery for as long as the violation exists. Repeat notice of the existence of a variance or adjusted standard (Section 611.111 through 611.113) must be given every three months for as long as the variance or adjusted standard remains in effect.

## c) Alternative methods of notice:

1) In lieu of the requirements of subsections (a) and (b), a-EWS supplier in an area that is not served by a daily or weekly newspaper of general circulation shall give notice within three months of the violation or granting of the variance or adjusted standard, by hand delivery or by continuous posting in conspicuous places within the area served by the EWS. Posting must continue for as long as the violation exists or a variance or adjusted standard remains in effect. The EWS supplier shall repeat the notice by hand delivery every three months for as long as the variance or adjusted standard remains in effect.

2) In lieu of the requirements of subsections (a) and (b), a non-EWS supplier may give notice within three months of the violation or the granting of the variance or adjusted standard, by hand delivery or by continuous posting in conspicuous places within the area served by the non-EWS. Posting must continue for as long as the violation exists or a variance or adjusted standard remains in effect. Notice by hand delivery must be repeated at least every three months for as long as the violation exists or a variance or adjusted standard remains in effect.

BOARD-NOTE: Derived from 40-EPR-141-32(b)-(1995).

(Source: Repealed at 25 Ill. Reg. 1989 effective 1/1/90)

## Section 611.853 Notice to New Billing Units (Repealed)

A-EWS supplier shall give a copy of the most recent public notice for any outstanding violation of any MGB, MRB, or treatment technique requirement or variance or adjusted standard scheduled to all new billing units or new hookups prior to or at the time service begins.

BOARD-NOTE: Derived from 40-EPR-141-32(c)-(1998) and 40-EPR-141-32(e)-(1998).

(Source: Repealed at 25 Ill. Reg. 1989 effective 1/1/90)

## Section 611.854 General Content of Public Notice (Repealed)

Each notice required by this Section must provide a clear and readily

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

understandable explanation of the violation, any potential adverse health effects, the population at risk, the steps that the supplier is taking to correct such violation, the necessity for seeking alternative water supplies, if any, and any preventive measures the consumer should take until the violation is corrected. Each notice must be conspicuous and must not contain unduly technical language, unduly small print or similar problems that frustrate the purpose of the notice. Each notice must include the telephone number of the owner, operator or designee of the supplier as a source of additional information concerning the notice where appropriate, the notice must be multi-lingual.

BOARD NOTE: Derived from 40 CFR 141.32(d) (1989).

(Source: Repealed at 25 Ill. Reg. 111.100 effective 11/1/91)

Section 611.855 Mandatory Health Effects Language (Repealed)

When providing the information on potential adverse health effects required by Section 611.854 in notices of violations of MCLs or treatment technique requirements, or notices of the granting or the continued existence of adjusted standards or variances, or notices of failure to comply with a variance or adjusted standard scheduled, the supplier shall include the language specified in Section 611 Appendix A for each contaminant. If language for a particular contaminant is not specified at the time notice is required, this Section does not apply.

BOARD NOTE: Derived from 40 CFR 141.32(e) (1991).

(Source: Repealed at 25 Ill. Reg. 111.100 effective 11/1/91)

Section 611.856 Fluoride Notice (Repealed)

Notice of violations of the MCLs for fluoride, notices of variances and adjusted standards from the MCLs for fluoride and notices of failure to comply with variance and adjusted standard schedules for the MCLs for fluoride must consist of the public notice prescribed in Appendix A plus a description of any steps which the supplier is taking to come into compliance.

BOARD NOTE: Derived from 40 CFR 141.32(f) and (g) (1993).

(Source: Repealed at 25 Ill. Reg. 111.100 effective 11/1/91)

Section 611.858 Fluoride Secondary Standard (Repealed)

If a CWS exceeds the secondary standard for fluoride of 2.0 mg/l as determined by the last single sample taken in accordance with Section 611.603, but does not exceed the MCL in Section 611.301(b), the supplier shall provide the fluoride notice in Section 611 Appendix A (9) to:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- a) All billing units annually;
  - b) All billing units at the time service begins; and
  - c) The local public health department.
- BOARD NOTE: Derived from 40 CFR 141.3 and 141.5 (1994).

(Source: Repealed at 25 Ill. Reg. 111.100 effective 11/1/91)

Section 611.860 Record Maintenance

A supplier must shall retain on its premises or at a convenient location near its premises the following records:

- a) Records of bacteriological analyses made pursuant to this Part must be kept for not less than five years. Records of chemical analyses made pursuant to this Part must be kept for not less than ten years. Actual laboratory reports may be kept, or data may be transferred to tabular summaries, provided that the following information is included:
  - 1) The date, place and time of sampling, and the name of the person who collected the sample;
  - 2) Identification of the sample as to whether it was a routine distribution system sample, check sample, raw or process water sample or other special purpose sample;
  - 3) Date of analysis;
  - 4) Laboratory and person responsible for performing analysis;
  - 5) The analytical technique or method used; and
  - 6) The results of the analysis.
- b) Records of action taken by the supplier to correct violations of this Part must be kept for a period not less than three years after the last action taken with respect to the particular violation involved.
- c) Copies of any written reports, summaries or communications relating to sanitary surveys of the system conducted by the supplier itself, by a private consultant, by USEPA 8-5-BPA, the Agency or a unit of local government delegated pursuant to Section 611.108, must be kept for a period not less than ten years after completion of the sanitary survey involved.
- d) Records concerning a variance or adjusted standard granted to the supplier must be kept for a period ending not less than five years following the expiration of such variance or adjusted standard.
- e) Copies of public notices issued pursuant to Subpart V of this Part and certifications made to the Agency pursuant to Section 611.840 must be kept for three years after issuance.

BOARD NOTE: Derived from 40 CFR 141.33 (1999), as amended at 65 Fed. Reg. 26022 (May 4, 2000) (1994).

(Source: Amended at 25 Ill. Reg. 111.100 effective 11/1/91)

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

## SUBPART U: CONSUMER CONFIDENCE REPORTS

**Section 611.881 Purpose and Applicability of this Subpart**

- a) This Subpart establishes the minimum requirements for the content of annual reports that community water systems (CWSs) must deliver to their customers. These reports must contain information on the quality of the water delivered by the systems and characterize the risks (if any) from exposure to contaminants detected in the drinking water in an accurate and understandable manner.
- b) Notwithstanding the provisions of Section 611.100(d), this Subpart only applies to CWSs.
- c) For the purpose of this Subpart, "customers" are defined as billing units or service connections to which water is delivered by a CWS.
- d) For the purpose of this Subpart, "detected" means the following: at or above the detection limit levels prescribed by Section 611.600(d) for inorganic contaminants<sup>17</sup> at or above the levels prescribed by Section 611.646 for Phase I, II, and V VOCs<sup>17</sup> at or above the levels prescribed by Section 611.648(r) for Phase II, IIB, and V SOCs<sup>17</sup> and at or above the levels prescribed by Section 611.720(c)(3) for radioactive contaminants.

BOARD NOTE: Derived from 40 CFR 141.151 (1999).

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 611.883 Content of the Reports**

- a) Each CWS must ~~shall~~ provide to its customers an annual report that contains the information specified in this Section and Section 611.884.
- b) Information on the source of the water delivered:
  - 1) Each report must identify the sources ~~sources~~ of the water delivered by the CWS by providing information on the following:
    - A) The type of the water: [e.g., surface water, groundwater]; and
    - B) The commonly used name (if any) and location of the body (or bodies) of water.
  - 2) If a source water assessment has been completed, the report must notify consumers of the availability of this information and the means to obtain it. In addition, systems are encouraged to highlight in the report significant sources of contamination in the source water area if they have readily available information. Where a system has received a source water assessment from the Agency, the report must include a brief summary of the system's susceptibility to potential sources of contamination, using language provided by the Agency or written by the PWS.
- c) Definitions.

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- 1) Each report must include the following definitions:

- A) Maximum Contaminant Level Goal or MCLG: The level of a contaminant in drinking water below which there is no known or expected risk to health. MCLGs allow for a margin of safety.
- BOARD NOTE: Although an MCLG is not an NPDR that the Board must include in the Illinois SDWA regulations, the use of this definition is mandatory where the term "MCLG" is defined.
- B) Maximum Contaminant Level or MCL: The highest level of a contaminant that is allowed in drinking water. MCLs are set as close to the MCLGs as feasible using the best available treatment technology.
- 2) A report for a CWS operating under relief from an NPDR issued under Sections 611.111, 611.112, 611.130, or 611.131 must include the following definition: "Variances, Adjusted Standards, and Site-specific Rules: State permission not to meet an MCL or a treatment technique under certain conditions."
- 3) A report that contains data on contaminants that a contaminant ~~for which~~ USFPA regulates using any of the following terms must include the applicable definitions ~~has set a treatment technique or an action level must include one or both of the following definitions as applicable:~~
  - A) Treatment technique ~~Technique~~: A required process intended to reduce the level of a contaminant in drinking water.
  - B) Action level ~~level~~: The concentration of a contaminant that, if exceeded, triggers treatment or other requirements which a water system must follow.
  - C) Maximum residual disinfectant level goal or MRDLG: The level of a drinking water disinfectant below which there is no known or expected risk to health. MRDLGs do not reflect the benefits of the use of disinfectants to control microbial contaminants.
- BOARD NOTE: Although an MRDLG is not an NPDR that the Board must include in the Illinois SDWA regulations, the use of this definition is mandatory where the term "MRDLG" is defined.
- D) Maximum residual disinfectant level or MRDL: The highest level of a disinfectant allowed in drinking water. There is convincing evidence that addition of a disinfectant is necessary for control of microbial contaminants.
- d) Information on detected contaminants.
  - 1) This subsection (d) specifies the requirements for information to be included in each report for contaminants subject to mandatory monitoring (except Cryptosporidium). It applies to the following:
    - A) Contaminants subject to an MCL, action level, MRDL, or treatment technique (regulated contaminants);

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- B) Contaminants for which monitoring is required by Section 611.510 (unregulated contaminants); and
- C) Disinfection byproducts or microbial contaminants for which monitoring is required by Section 611.382 and Subpart L, except as provided under subsection (e)(1) of this Section, and which are detected in the finished water.
- 2) The data relating to these contaminants must be displayed in one table or in several adjacent tables. Any additional monitoring results that a CWS chooses to include in its report must be displayed separately.
- 3) The data must be derived from data collected to comply with monitoring and analytical requirements during calendar year 1998 for the first report and subsequent calendar years thereafter, except that the following requirements also apply:
- A) Where a system is allowed to monitor for regulated contaminants less often than once a year, the tables ~~tablets~~ must include the date and results of the most recent sampling, and the report must include a brief statement indicating that the data presented in the report is from the most recent testing done in accordance with the regulations. No data older than five years need be included.
- B) Results of monitoring in compliance with Section 611.382 and Subpart L need only be included for five years from the date of last sample or until any of the detected contaminants becomes regulated and subject to routine monitoring requirements, whichever comes first.
- 4) For detected regulated contaminants (listed in Appendix A of this Part), the tables ~~tablets~~ must contain the following:
- A) The MCL for that contaminant expressed as a number equal to or greater than 1.0 (as provided in Appendix ~~AP~~);
- B) The Maximum Contaminant Level Goal (MCLG) for that contaminant expressed in the same units as the MCL;
- C) If there is no MCL for a detected contaminant, the table must indicate that there is a treatment technique, or specify the action level, applicable to that contaminant, and the report must include the definitions for treatment technique or action level, as appropriate, specified in subsection (c)(3) of this Section;
- D) For contaminants subject to an MCL, except turbidity and total coliforms, the highest contaminant level used to determine compliance with an NPDWR, and the range of detected levels, as follows:
- i) When compliance with the MCL is determined annually or less frequently: the ~~the~~ highest detected level at any sampling point and the range of detected levels expressed in the same units as the MCL.
- ii) When compliance with the MCL is determined by

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- calculating a running annual average of all samples taken at a sampling point: the highest average of any of the sampling points and the range of all sampling points expressed in the same units as the MCL.
- iii) When compliance with the MCL is determined on a system-wide basis by calculating a running annual average of all samples at all sampling points: the average and range of detection expressed in the same units as the MCL;
- BOARD NOTE to subsection (d)(4)(D): When rounding of results to determine compliance with the MCL is allowed by the regulations, rounding should be done prior to multiplying the results by the factor listed in Appendix ~~AP~~; derived from 40 CFR 153 (1999) ~~(1990)~~.
- E) For turbidity the following:
- i) When it is reported pursuant to Section 611.560: the ~~the~~ highest average monthly value.
- ii) When it is reported pursuant to the requirements of Section 611.211(b): ~~the~~ the highest monthly value. The report must include an explanation of the reasons for measuring turbidity.
- iii) When it is reported pursuant to Section 611.250 or 611.743: the ~~the~~ highest single measurement and the lowest monthly percentage of samples meeting the turbidity limits specified in Section 611.250 or 611.743 for the filtration technology being used. The report must include an explanation of the reasons for measuring turbidity;
- F) For lead and copper ~~the following~~: the 90th percentile value of the most recent round of sampling and the number of sampling sites exceeding the action level;
- G) For total coliform ~~the following~~:
- i) The highest monthly number of positive samples for systems collecting fewer than 40 samples per month; or
- ii) The highest monthly percentage of positive samples for systems collecting at least 40 samples per month;
- H) For fecal coliform ~~the following~~: the total number of positive samples; and
- I) The likely sources ~~source(s)~~ of detected contaminants to the best of the supplier's knowledge. Specific information regarding contaminants may be available in sanitary surveys and source water assessments, and must be used when available to the supplier. If the supplier lacks specific information on the likely source, the report must include one or more of the typical sources for that contaminant listed in Appendix G of this Part which are most applicable to the CWS.
- 5) If a CWS distributes water to its customers from multiple



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

hydraulically independent distribution systems that are fed by different raw water sources, the table must contain a separate column for each service area and the report must identify each separate distribution system. Alternatively, a CWS may produce separate reports tailored to include data for each service area.

- 6) The tables ~~tablets~~ must clearly identify any data indicating violations of MCLs, MRDLs, or treatment techniques, and the report must contain a clear and readily understandable explanation of the violation including the following: the length of the violation, the potential adverse health effects, and actions taken by the CWS to address the violation. To describe the potential health effects, the CWS must ~~shall~~ use the relevant language of Appendix A H of this Part.

- 7) For detected unregulated contaminants for which monitoring is required (except Cryptosporidium), the ~~tables~~ ~~tablets~~ must contain the average and range at which the contaminant was detected. The report may include a brief explanation of the reasons for monitoring for unregulated contaminants.

- e) Information on Cryptosporidium, radon, and other contaminants:

- 1) If the CWS has performed any monitoring for Cryptosporidium, including monitoring performed to satisfy the requirements of Subpart L of this Part, that indicates that Cryptosporidium may be present in the source water or the finished water, the report must include the following:

- A) A summary of the results of the monitoring; and  
B) An explanation of the significance of the results.
- 2) If the CWS has performed any monitoring for radon which indicates that radon may be present in the finished water, the report must include the following:

- A) The results of the monitoring; and  
B) An explanation of the significance of the results.

- 3) If the CWS has performed additional monitoring that indicates the presence of other contaminants in the finished water, the report must include the following:

- A) The results of the monitoring; and  
B) An explanation of the significance of the results noting the existence of any health advisory or proposed regulation.
- f) Compliance with an NPDR. In addition to the requirements of subsection (d)(6) of this Section, the report must note any violation that occurred during the year covered by the report of a requirement listed below, and include a clear and readily understandable explanation of the violation, any potential adverse health effects, and the steps the CWS has taken to correct the violation.

- 1) Monitoring and reporting of compliance data;  
2) Filtration and disinfection prescribed by Subpart B of this Part.
- For CWSs that have failed to install adequate filtration or disinfection equipment or processes, or have had a failure of such equipment or processes which constitutes a violation, the

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

report must include the following language as part of the explanation of potential adverse health effects: Inadequately treated water may contain disease-causing organisms. These organisms include bacteria, viruses, and parasites that can cause symptoms such as nausea, cramps, diarrhea, and associated headaches.

- 3) Lead and copper control requirements prescribed by Subpart G of this Part. For systems that fail to take one or more actions prescribed by Section 611.350(d), 611.351, 611.352, 611.353, or 611.354, the report must include the applicable language of Appendix A of this Part H for lead, copper, or both.

- 4) Treatment techniques for acrylamide and epichlorohydrin prescribed by Section 611.296. For systems that violate the requirements of Section 611.296, the report must include the relevant language from Appendix A H of this Part.

- 5) Recordkeeping of compliance data.
- 6) Special monitoring requirements prescribed by Sections 611.510 and 611.630; and

- 7) Violation of the terms of a variance, adjusted standard, site-specific rule, or administrative or judicial order.

- g) Variances, adjusted standards, and site-specific rules. If a system is operating under the terms of a variance, adjusted standard, or site-specific rule issued under Sections 611.111, 611.112, or 611.131, the report must contain the following:

- 1) An explanation of the reasons for the variance, adjusted standard, or site-specific rule;  
2) The date on which the variance, adjusted standard, or site-specific rule was issued;  
3) A brief status report on the steps the CWS is taking to install treatment, find alternative sources of water, or otherwise comply with the terms and schedules of the variance, adjusted standard, or site-specific rule; and  
4) A notice of any opportunity for public input in the review, or renewal, of the variance, adjusted standard, or site-specific rule.

- h) Additional information:

- 1) The report must contain a brief explanation regarding contaminants that may reasonably be expected to be found in drinking water, including bottled water. This explanation may include the language of subsections (h)(1)(A) through (h)(1)(C) of this Section or CWSs may use their own comparable language. The report also must include the language of subsection (h)(1)(D) of this Section.

- A) The sources of drinking water (both tap water and bottled water) include rivers, lakes, streams, ponds, reservoirs, springs, and wells. As water travels over the surface of the land or through the ground, it dissolves naturally-occurring minerals and, in some cases, radioactive



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

material, and can pick up substances resulting from the presence of animals or from human activity.

- B) Contaminants that may be present in source water include the following:

i) Microbial contaminants, such as viruses and bacteria, which may come from sewage treatment plants, septic systems, agricultural livestock operations, and wildlife;

ii) Inorganic contaminants, such as salts and metals, which can be naturally-occurring or result from urban stormwater runoff, industrial or domestic wastewater discharges, oil and gas production, mining, or farming;

iii) Pesticides and herbicides, which may come from a variety of sources such as agriculture, urban stormwater runoff, and residential uses;

iv) Organic chemical contaminants, including synthetic and volatile organic chemicals, which are byproducts of industrial processes and petroleum production, and can also come from gas stations, urban stormwater runoff and septic systems; and

v) Radioactive contaminants, which can be naturally-occurring or be the result of oil and gas production and mining activities.

- C) In order to ensure that tap water is safe to drink, USEPA prescribes regulations which limit the amount of certain contaminants in water provided by public water systems. United States Food and Drug Administration (USFDA) regulations establish limits for contaminants in bottled water that must provide the same protection for public health.

D) Drinking water, including bottled water, may reasonably be expected to contain at least small amounts of some contaminants. The presence of contaminants does not necessarily indicate that water poses a health risk. More information about contaminants and potential health effects can be obtained by calling the USEPA Safe Drinking Water Hotline (800-426-4791).

- 2) The report must include the telephone number of the owner, operator, or designee of the CWS as a source of additional information concerning the report.

3) In communities with a large proportion of non-English speaking residents, as determined by the Agency, the report must contain information in the appropriate languages ~~language(s)~~ regarding the importance of the report or contain a telephone number or address where such residents may contact the system to obtain a translated copy of the report or assistance in the appropriate language.

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- 4) The report must include information about opportunities for public participation in decisions that may affect the quality of the water.

5) The CWS may include such additional information as it deems necessary for public education consistent with, and not detracting from, the purpose of the report.

BOARD NOTE: Derived from 40 CFR 141.153 (1999), as amended at 65 Fed. Reg. 26022 (May 4, 2000).

(Source: Amended at 25 Ill. Reg. 12.010 effective 12/1/00)

## Section 611.884 Required Additional Health Information

- a) All reports must prominently display the following language: Some people may be more vulnerable to contaminants in drinking water than the general population. Immuno-compromised persons such as persons with cancer undergoing chemotherapy, persons who have undergone organ transplants, people with HIV/AIDS or other immune system disorders, some elderly, and infants can be particularly at risk from infections. These people should seek advice about drinking water from their health care providers. USEPA or Centers for Disease Control and Prevention guidelines on appropriate means to lessen the risk of infection by Cryptosporidium and other microbial contaminants are available from the USEPA Safe Drinking Water Hotline (800-426-4791).

b) A CWS that detects arsenic at levels above 25 ug/L, but below the MCL must do the following:

- 1) The CWS must ~~shall~~ include in its report a short informational statement about arsenic, using the following language: USEPA is reviewing the drinking water standard for arsenic because of special concerns that it may not be stringent enough. Arsenic is a naturally-occurring mineral known to cause cancer in humans at high concentrations; or
- 2) The CWS may ~~may~~ write its own educational statement, but only in consultation with the Agency.

- c) A CWS that detects nitrate at levels above 5 mg/L, but below the MCL must do the following:

- 1) The CWS must ~~shall~~ include a short informational statement about the impacts of nitrate on children, using the following language: Nitrate in drinking water at levels above 10 ppm is a health risk for infants of less than six months of age. High nitrate levels in drinking water can cause blue baby syndrome. Nitrate levels may rise quickly for short periods of time because of rainfall or agricultural activity. If you are caring for an infant you should ask advice from your health care provider; or
- 2) The CWS may ~~may~~ write its own educational statement, but only in consultation with the Agency.

- d) A CWS that detects lead above the action level in more than five

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

percent 5%, and up to and including ten percent 10%, of homes sampled must do the following:

- 1) The CWS must shall include a short informational statement about the special impact of lead on children, using the following language: Infants and young children are typically more vulnerable to lead in drinking water than the general population. It is possible that lead levels at your home may be higher than at other homes in the community as a result of materials used in your home's plumbing. If you are concerned about elevated lead levels in your home's water, you may wish to have your water tested and flush your tap for 30 seconds to two 2 minutes before using tap water. Additional information is available from the USEPA Safe Drinking Water Hotline (800-426-4791); or
- 2) The CWS may may write its own educational statement, but only in consultation with the Agency.

- e) A CWS that detects TTHM above 0.080 mg/L, but below the MCL in Section 611.312, as an annual average, monitored and calculated under the provisions of Section 611.680, must shall include the health effects language prescribed by Appendix A H(73) of this Part.

BOARD NOTE: Derived from 40 CFR 141.154 (1999), as amended at 65 Fed. Reg. 26022 (May 4, 2000).

(Source: Amended at 25 Ill. Reg. 1.000, effective 1/1/00)

## Section 611.885 Report Delivery and Recordkeeping

- a) Except as provided in subsection (g) of this Section, each CWS must shall mail or otherwise directly deliver one copy of the report to each customer.
- b) The CWS must shall make a good faith effort to reach consumers who do not get water bills, using a means approved recommended by the Agency by a SEP granted pursuant to Section 611.110. A good faith effort to reach consumers includes, but is not limited to, methods such as the following: posting the reports on the Internet, advertising the availability of the report in the news media, publication in a local newspaper, or delivery to community organizations.
- c) No later than the date the CWS is required to distribute the report to its customers, each CWS must shall mail a copy of the report to the Agency, followed within three months by a certification that the report has been distributed to customers, and that the information is correct and consistent with the compliance monitoring data previously submitted to the Agency.
- d) No later than the date the CWS is required to distribute the report to its customers, each CWS must shall deliver the report to any other agency or clearinghouse identified by the Agency.
- e) Each CWS must shall make its reports available to the public upon request.

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- f) Each CWS serving 100,000 or more persons must shall post its current year's report to a publicly-accessible site on the Internet.
- g) The Governor or his designee may waive the requirement of subsection (a) of this Section for a CWS serving fewer than 10,000 persons.

- 1) Such a CWS must do the following shall:

- A) The CWS must publish publish the report in one or more local newspapers serving the county in which the CWS is located;
  - B) The CWS must inform the customers that the report will not be mailed, either in the newspapers in which the report is published or by other means approved by the Agency; and
  - C) The CWS must make the report available to the public upon request.
- 2) Systems serving fewer than 500 persons may forgo the requirements of subsections (g)(1)(A) and (B) of this Section if they provide notice at least once per year to their customers by mail, by door-to-door delivery or by posting in a location approved by the Agency that the report is available upon request.
  - h) Any system subject to this Subpart must shall retain copies of its consumer confidence report for no less than three five years.

BOARD NOTE: Derived from 40 CFR 141.155 (1999).

(Source: Amended at 25 Ill. Reg. 1.000, effective 1/1/00)

## SUBPART V: PUBLIC NOTIFICATION OF DRINKING WATER VIOLATIONS

## Section 611.901 General Public Notification Requirements

The requirements of this Subpart V replace former notice requirements.

- a) Who must give public notice. Each owner or operator of a public water system (a CWS, an NTNCWS, or a transient non-CWS) must give notice for all violations of an NPDR and for other situations, as listed in this subsection (a). The term "NPDR violation" is used in this Subpart V to include violations of an MCL, an MRDL, a treatment technique, monitoring requirements, or a testing procedure set forth in this Part. Appendix G to this Part identifies the tier assignment for each specific violation or situation requiring a public notice.
- 1) NPDR violations:
  - A) A failure to comply with an applicable MCL or MRDL.
  - B) A failure to comply with a prescribed treatment technique.
  - C) A failure to perform water quality monitoring, as required by this Part.
  - D) A failure to comply with testing procedures as prescribed by this Part.
- 2) Relief equivalent to a variance and exemptions under sections 1415 and 1416 of SDWA:
  - A) Operation under relief equivalent to a SDWA Section 1415

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

variance, under Section 611.111, or a SDWA Section 1416 exemption, under Section 611.112.

- B) A failure to comply with the requirements of any schedule that has been set under relief equivalent to a SDWA Section 1415 variance, under Section 611.111, or a SDWA Section 1415 exemption, under Section 611.112.

3) Special public notices:

- A) The occurrence of a waterborne disease outbreak or other waterborne emergency.  
 B) An exceedance of the nitrate MCL by a non-CWS, where granted permission by the Agency under Section 611.300(d).  
 C) An exceedance of the secondary fluoride standard of Section 611.858.

- D) The availability of unregulated contaminant monitoring data.  
 E) Other violations and situations determined by the Agency by a SEP issued pursuant to Section 611.110 to require a public notice under this Subpart, not already listed in Appendix G.  
 b) The type of public notice required for each violation or situation. The public notice requirements of this Subpart V are divided into three tiers, to take into account the seriousness of the violation or situation and of any potential adverse health effects that may be involved. The public notice requirements for each violation or situation listed in subsection (a) of this Section are determined by the tier to which it is assigned. This subsection (b) provides the definition of each tier. Appendix G of this Part identifies the tier assignment for each specific violation or situation.

- 1) Tier 1 public notice: required for NPDR violations and situations with significant potential to have serious adverse effects on human health as a result of short-term exposure.  
 2) Tier 2 public notice: required for all other NPDR violations and situations with potential to have serious adverse effects on human health.  
 3) Tier 3 public notice: required for all other NPDR violations and situations not included in Tier 1 and Tier 2.

- c) Who must receive notice.

- 1) Each PWS supplier must provide public notice to persons served by the water supplier, in accordance with this Subpart V. A PWS supplier that sells or otherwise provides drinking water to another PWS supplier (i.e., to a consecutive system) is required to give public notice to the owner or operator of the consecutive system; the consecutive system supplier is responsible for providing public notice to the persons it serves.

- 2) If a PWS supplier has a violation in a portion of the distribution system that is physically or hydraulically isolated from other parts of the distribution system, the Agency may allow the system to limit distribution of the public notice to only persons served by that portion of the system which is out of compliance. Permission by the Agency for limiting distribution

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

of the notice must be granted in writing, by a SEP granted pursuant to Section 611.110.

- 3) A copy of the notice must also be sent to the Agency, in accordance with the requirements under Section 611.840(d).

BOARD NOTE: Derived from 40 CFR 141.201, as added at 65 Fed. Reg. 26035 (May 4, 2000).

11/11/00

(Source: Added at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 611.902 Tier 1 Public Notice--Form, Manner, and Frequency of Notice

- a) Violations or situations that require a Tier 1 public notice. This subsection (a) lists the violation categories and other situations requiring a Tier 1 public notice. Appendix G of this Part identifies the tier assignment for each specific violation or situation.

- 1) Violation of the MCL for total coliforms when fecal coliform or E. coli are present in the water distribution system (as specified in Section 611.325(b)), or when the water supplier fails to test for fecal coliforms or E. coli when any repeat sample tests positive for coliform (as specified in Section 611.525);

- 2) Violation of the MCL for nitrate, nitrite, or total nitrate and nitrite, as defined in Section 611.301, or when the water supplier fails to take a confirmation sample within 24 hours after the supplier's receipt of the results from the first sample showing an exceedance of the nitrate or nitrite MCL, as specified in Section 611.606(b);

- 3) Exceedance of the nitrate MCL by a non-CWS supplier, where permitted to exceed the MCL by the Agency under Section 611.300(d), as required under Section 611.909;

- 4) Violation of the MRDL for chlorine dioxide, as defined in Section 611.313(a), when one or more samples taken in the distribution system the day following an exceedance of the MRDL at the entrance of the distribution system exceed the MRDL, or when the water supplier does not take the required samples in the distribution system, as specified in Section 611.383(c)(2)(A);

- 5) Violation of the turbidity MCL under Section 141.13(b), where the Agency determines after consultation that a Tier 1 notice is required or where consultation does not take place within 24 hours after the supplier learns of the violation;

- 6) Violation of the Surface Water Treatment Rule (SWTR) or Interim Enhanced Surface Water Treatment rule (IESWTR) treatment technique requirement resulting from a single exceedance of the maximum allowable turbidity limit (as identified in Appendix G), where the primary agency determines after consultation that a Tier 1 notice is required or where consultation does not take place within 24 hours after the supplier learns of the violation;



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

7) Occurrence of a waterborne disease outbreak, as defined in Section 611.101, or other waterborne emergency (such as a failure or significant interruption in key water treatment processes, a natural disaster that disrupts the water supply or distribution system, or a chemical spill or unexpected loading of possible pathogens into the source water that significantly increases the potential for drinking water contamination);

8) Other violations or situations with significant potential to have serious adverse effects on human health as a result of short-term exposure, as determined by the Agency by a SEP issued pursuant to Section 611.110.

b) When the Tier 1 public notice is to be provided. Additional steps required. A PWS supplier must:

1) Provide a public notice as soon as practical but no later than 24 hours after the supplier learns of the violation;

2) Initiate consultation with the Agency as soon as practical, but no later than 24 hours after the PWS supplier learns of the violation or situation, to determine additional public notice requirements; and

3) Comply with any additional public notification requirements (including any repeat notices or direction on the duration of the posted notices) that are established as a result of the consultation with the Agency. Such requirements may include the timing, form, manner, frequency, and content of repeat notices (if any) and other actions designed to reach all persons served.

c) The form and manner of the public notice. A PWS supplier must provide the notice within 24 hours in a form and manner reasonably calculated to reach all persons served. The form and manner used by the PWS supplier are to fit the specific situation, but must be designed to reach residential, transient, and non-transient users of the water system. In order to reach all persons served, a water supplier is to use, at a minimum, one or more of the following forms of delivery:

1) Appropriate broadcast media (such as radio and television);

2) Posting of the notice in conspicuous locations throughout the area served by the water supplier;

3) Hand delivery of the notice to persons served by the water supplier; or

4) Another delivery method approved in writing by the Agency by a SEP issued pursuant to Section 611.110.

BOARD NOTE: Derived from 40 CFR 141.202, as added at 65 Fed. Reg. 26036 (May 4, 2000).

(Source: Added at 25 Ill. Reg. 2280.5 effective 12/1/00)

## Section 611.903 Tier 2 Public Notice--Form, Manner, and Frequency of Notice

a) Violations or situations that require a Tier 2 public notice. This

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

subsection lists the violation categories and other situations requiring a Tier 2 public notice. Appendix G to this part identifies the tier assignment for each specific violation or situation.

1) All violations of the MCL, MRDL, and treatment technique requirements, except where a Tier 1 notice is required under Section 611.902(a) or where the Agency determines by a SEP issued pursuant to Section 611.110 that a Tier 1 notice is required;

2) Violations of the monitoring and testing procedure requirements, where the Agency determines by a SEP issued pursuant to Section 611.110 that a Tier 2 rather than a Tier 3 public notice is required, taking into account potential health impacts and persistence of the violation; and

3) Failure to comply with the terms and conditions of any relief equivalent to a SDWA Section 1415 variance or a SDWA Section 1416 exemption in place.

b) When Tier 2 public notice is to be provided.

1) A PWS supplier must provide the public notice as soon as practical, but no later than 30 days after the supplier learns of the violation. If the public notice is posted, the notice must remain in place for as long as the violation or situation persists, but in no case for less than seven days, even if the violation or situation is resolved. The Agency may, in appropriate circumstances, by a SEP issued pursuant to Section 611.110, allow additional time for the initial notice of up to three months from the date the supplier learns of the violation. It is not appropriate for the Agency to grant an extension to the 30-day deadline for any unresolved violation or to allow across-the-board extensions by rule or policy for other violations or situations requiring a Tier 2 public notice. Extensions granted by the Agency must be in writing.

2) The PWS supplier must repeat the notice every three months as long as the violation or situation persists, unless the Agency determines that appropriate circumstances warrant a different repeat notice frequency. In no circumstance may the repeat notice be given less frequently than once per year. It is not appropriate for the Agency to allow less frequent repeat notice for an MCL violation under the Total Coliform Rule or a treatment technique violation under the Surface Water Treatment Rule or Interim Enhanced Surface Water Treatment Rule. It is also not appropriate for the Agency to allow across-the-board reductions in the repeat notice frequency for other ongoing violations requiring a Tier 2 repeat notice. An Agency determination allowing repeat notices to be given less frequently than once every three months must be in writing.

3) For the turbidity violations specified in this subsection (b)(3), a PWS supplier must consult with the Agency as soon as practical but no later than 24 hours after the supplier learns of the

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

violation, to determine whether a Tier 1 public notice under Section 611.902(a) is required to protect public health. When consultation does not take place within the 24-hour period, the water system must distribute a Tier 1 notice of the violation within the next 24 hours (i.e., no later than 48 hours after the supplier learns of the violation), following the requirements under Section 611.902(b) and (c). Consultation with the Agency is required for the following:

- A) Violation of the turbidity MCL under Section 141.320(b); or  
 B) Violation of the SWTR or IESWTR treatment technique requirement resulting from a single exceedance of the maximum allowable turbidity limit.

c) The form and manner of Tier 2 public notice. A PWS supplier must provide the initial public notice and any repeat notices in a form and manner that is reasonably calculated to reach persons served in the required time period. The form and manner of the public notice may vary based on the specific situation and type of water system, but it must at a minimum meet the following requirements:

- 1) Unless directed otherwise by the Agency in writing, by a SEP issued pursuant to Section 611.110, a CWS supplier must provide notice by:

A) Mail or other direct delivery to each customer receiving a bill and to other service connections to which water is delivered by the PWS supplier; and  
 B) Any other method reasonably calculated to reach other persons regularly served by the supplier, if they would not normally be reached by the notice required in subsection (c)(1)(A) of this Section. Such persons may include those who do not pay water bills or do not have service connection addresses (e.g., house renters, apartment dwellers, university students, nursing home patients, prison inmates, etc.). Other methods may include: Publication in a local newspaper; delivery of multiple copies for distribution by customers that provide their drinking water to others (e.g., apartment building owners or large private employers); posting in public places served by the supplier or on the Internet; or delivery to community organizations.

- 2) Unless directed otherwise by the Agency in writing, by a SEP issued pursuant to Section 611.110, a non-CWS supplier must provide notice by the following:

A) Posting the notice in conspicuous locations throughout the distribution system frequented by persons served by the supplier, or by mail or direct delivery to each customer and service connection (where known); and  
 B) Any other method reasonably calculated to reach other persons served by the system if they would not normally be reached by the notice required in subsection (c)(2)(A) of this Section. Such persons may include those served who may

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

not see a posted notice because the posted notice is not in a location they routinely pass by. Other methods may include the following: Publication in a local newspaper or newsletter distributed to customers; use of E-mail to notify employees or students; or delivery of multiple copies in central locations (e.g., community centers).

BOARD NOTE: Derived from 40 CFR 141.203, as added at 65 Fed. Reg. 26036 (May 4, 2000).

(Source: Added at 25 Ill. Reg. 11.000, effective 11/1/00)

## Section 611.904 Tier 3 Public Notice--Form, Manner, and Frequency of Notice

a) Violations or situations that require a Tier 3 public notice. This subsection (a) lists the violation categories and other situations requiring a Tier 3 public notice. Appendix G of this Part identifies the tier assignment for each specific violation or situation.

- 1) Monitoring violations under this Part, except where a Tier 1 notice is required under Section 611.902(a) or where the Agency determines by a SEP issued pursuant to Section 611.110 that a Tier 2 notice is required;

2) Failure to comply with a testing procedure established in this Part, except where a Tier 1 notice is required under Section 611.902(a) or where the Agency determines by a SEP issued pursuant to Section 611.110 that a Tier 2 notice is required;

- 3) Operation under relief equivalent to a SDWA Section 1415 variance granted under Section 611.111 or relief equivalent to a SDWA Section 1416 exemption granted under Section 611.112;

4) Availability of unregulated contaminant monitoring results, as required under Section 611.907; and

- 5) Exceedance of the secondary standard for fluoride under Section 611.858, as required under Section 611.908.

b) When the Tier 3 public notice is to be provided.

- 1) A PWS supplier must provide the public notice not later than one year after the supplier learns of the violation or situation or begins operating under relief equivalent to a SDWA Section 1415 variance or Section 1416 exemption. Following the initial notice, the supplier must repeat the notice annually for as long as the violation, relief equivalent to a SDWA Section 1415 variance or Section 1416 exemption, or other situation persists. If the public notice is posted, the notice must remain in place for as long as the violation, relief equivalent to a SDWA Section 1415 variance or Section 1416 exemption, or other situation persists, but, in no case less than seven days (even if the violation or situation is resolved).

- 2) Instead of individual Tier 3 public notices, a PWS supplier may use an annual report detailing all violations and situations that



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

occurred during the previous twelve months, as long as the timing requirements of subsection (b)(1) of this Section are met.

- c) The form and manner of the Tier 3 public notice. A PWS supplier must provide the initial notice and any repeat notices in a form and manner that is reasonably calculated to reach persons served in the required time period. The form and manner of the public notice may vary based on the specific situation and type of water system, but it must at a minimum meet the following requirements:

- 1) Unless directed otherwise by the Agency by a SEP issued pursuant to Section 611.110 in writing, a CWS supplier must provide notice by the following:

- A) Mail or other direct delivery to each customer receiving a bill and to other service connections to which water is delivered by the supplier; and
- B) Any other method reasonably calculated to reach other persons regularly served by the supplier, if they would not normally be reached by the notice required in subsection (c)(1)(A) of this Section. Such persons may include those who do not pay water bills or do not have service connection addresses (e.g., house renters, apartment dwellers, university students, nursing home patients, prison inmates, etc.). Other methods may include the following: publication in a local newspaper; delivery of multiple copies for distribution by customers that provide their drinking water to others (e.g., apartment building owners or large private employers); posting in public places or on the Internet; or delivery to community organizations.

- 2) Unless directed otherwise by the Agency by a SEP issued pursuant to Section 611.110 in writing, a non-CWS supplier must provide notice by the following:

- A) Posting the notice in conspicuous locations throughout the distribution system frequented by persons served by the supplier, or by mail or direct delivery to each customer and service connection (where known); and

- B) Any other method reasonably calculated to reach other persons served by the supplier, if they would not normally be reached by the notice required in subsection (c)(2)(A) of this Section. Such persons may include those who may not see a posted notice because the notice is not in a location they routinely pass by. Other methods may include the following: publication in a local newspaper or newsletter distributed to customers; use of E-mail to notify employees or students; or, delivery of multiple copies in central locations (e.g., community centers).

- d) When the Consumer Confidence Report may be used to meet the Tier 3 public notice requirements. For a CWS supplier, the Consumer Confidence Report (CCR) required under Subpart U of this Part may be used as a vehicle for the initial Tier 3 public notice and all

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

required repeat notices, as long as the following is true:

- 1) The CCR is provided to persons served no later than 12 months after the supplier learns of the violation or situation as required under Section 611.904(b);
- 2) The Tier 3 notice contained in the CCR follows the content requirements under Section 611.905; and
- 3) The CCR is distributed following the delivery requirements under Section 611.904(c).

BOARD NOTE: Derived from 40 CFR 141.204, as added at 65 Fed. Reg. 26037 (May 4, 2000).

(Source: Added at 25 Ill. Reg. 1898.07 effective 1/1/2000)

## Section 611.905 Content of the Public Notice

- a) Elements included in public notice for violation of an NPDWR or other situations. When a PWS supplier violates an NPDWR or has a situation requiring public notification, each public notice must include the following elements:

- 1) A description of the violation or situation, including the contaminants of concern, and (as applicable) the contaminant levels;
- 2) When the violation or situation occurred;
- 3) Any potential adverse health effects from the violation or situation, including the standard language under subsection (d)(1) or (d)(2) of this Section, whichever is applicable;
- 4) The population at risk, including subpopulations particularly vulnerable if exposed to the contaminant in their drinking water;
- 5) Whether alternative water supplies should be used;
- 6) What actions consumers should take, including when they should seek medical help, if known;
- 7) What the supplier is doing to correct the violation or situation;
- 8) When the water supplier expects to return to compliance or resolve the situation;
- 9) The name, business address, and phone number of the water system owner, operator, or designee of the public water system as a source of additional information concerning the notice; and
- 10) A statement to encourage the notice recipient to distribute the public notice to other persons served, using the standard language under subsection (d)(3) of this Section, where applicable.

- b) The elements that must be included in the public notice for public water systems operating under relief equivalent to a SDWA Section 1415 variance or a Section 1416 exemption.

- 1) If a PWS supplier has been granted a relief equivalent to a SDWA Section 1415 variance, under Section 611.111, or a Section 1416 exemption, under Section 611.112, the public notice must contain

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

the following:

- A) An explanation of the reasons for the relief equivalent to a SDWA Section 1415 variance or a Section 1416 exemption;
- B) The date on which the relief equivalent to a SDWA Section 1415 variance or a Section 1416 exemption was issued;
- C) A brief status report on the steps that the supplier is taking to install treatment, find alternative sources of water, or otherwise comply with the terms and schedules of the relief equivalent to a SDWA Section 1415 variance or a Section 1416 exemption; and
- D) A notice of any opportunity for public input in the review of the relief equivalent to a SDWA Section 1415 variance or a Section 1416 exemption.

- 2) If a PWS supplier violates the conditions of relief equivalent to a SDWA Section 1415 variance or a Section 1416 exemption, the public notice must contain the ten elements listed in subsection (a) of this Section.

- c) How the public notice is to be presented.
  - 1) Each public notice required by this Section must comply with the following:
    - A) It must be displayed in a conspicuous way when printed or posted;
    - B) It must not contain overly technical language or very small print;
    - C) It must not be formatted in a way that defeats the purpose of the notice;
    - D) It must not contain language which nullifies the purpose of the notice.

- 2) Each public notice required by this Section must comply with multilingual requirements, as follows:
  - A) For a PWS supplier serving a large proportion of non-English speaking consumers, the public notice must contain information in the appropriate languages regarding the importance of the notice or contain a telephone number or address where persons served may contact the water supplier to obtain a translated copy of the notice or to request assistance in the appropriate language.

- B) In cases where the Agency has not determined what constitutes a large proportion of non-English speaking consumers, the PWS supplier must include in the public notice the same information as in subsection (c)(2)(A) of this Section, where appropriate to reach a large proportion of non-English speaking persons served by the water supplier.

- d) Standard language that a PWS supplier must include in its public notice. A PWS supplier is required to include the following standard language in its public notice:
  - 1) Standard health effects language for MCL or MRDL violations,

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

treatment technique violations, and violations of the condition of relief equivalent to a SDWA Section 1415 variance or a Section 1416 exemption. A PWS supplier must include in each public notice the health effects language specified in Appendix H to this Part corresponding to each MCL, MRDL, and treatment technique violation listed in Appendix G to this Part, and for each violation of a condition of relief equivalent to a SDWA Section 1415 variance or a Section 1416 exemption.

- 2) Standard language for monitoring and testing procedure violations. A PWS supplier must include the following language in its notice, including the language necessary to fill in the blanks, for all monitoring and testing procedure violations listed in Appendix G of this Part:
 

We are required to monitor your drinking water for specific contaminants on a regular basis. Results of regular monitoring are an indicator of whether or not your drinking water meets health standards. During [compliance period], we "did not monitor or test" or "did not complete all monitoring or testing" for [contaminants], and therefore cannot be sure of the quality of your drinking water during that time.

We are required to monitor your drinking water for specific contaminants on a regular basis. Results of regular monitoring are an indicator of whether or not your drinking water meets health standards. During [compliance period], we "did not monitor or test" or "did not complete all monitoring or testing" for [contaminants], and therefore cannot be sure of the quality of your drinking water during that time.

- 3) Standard language to encourage the distribution of the public notice to all persons served. A PWS supplier must include the following language in its notice (where applicable):
 

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail.

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail.

BOARD NOTE: Derived from 40 CFR 141.205, as added at 65 Fed. Reg. 26038 (May 4, 2000).

(Source: Added at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 611.906 Notice to New Billing Units or New Customers

- a) The requirement for a CWS. A CWS supplier must give a copy of the most recent public notice for any continuing violation, the existence of relief equivalent to a SDWA Section 1415 variance or a Section 1416 exemption, or other ongoing situations requiring a public notice to all new billing units or new customers prior to or at the time service begins.

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- b) The requirement for non-CWS. A non-CWS supplier must continuously post the public notice in conspicuous locations in order to inform new consumers of any continuing violation, relief equivalent to a SDWA Section 1415 variance or a Section 1416 exemption, or other situation requiring a public notice for as long as the violation, the relief equivalent to a SDWA Section 1415 variance or a Section 1416 exemption, or other situation persists.

BOARD NOTE: Derived from 40 CFR 141.206, as added at 65 Fed. Reg. 26039 (May 4, 2000).

(Source: Added at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

#### Section 611.907 Special Notice of the Availability of Unregulated Contaminant Monitoring Results

- a) When to give special notice. The owner or operator of a CWS supplier or an NTN/CWS supplier required to monitor for unregulated contaminants under Section 611.510 must notify persons served by the supplier of the availability of the results of such sampling no later than 12 months after the monitoring results are known.

- b) The form and manner of a special notice. The form and manner of the public notice must follow the requirements for a Tier 3 public notice prescribed in Sections 611.904(c), (d)(1), and (d)(3). The notice must also identify a person and provide the telephone number to contact for information on the monitoring results.

BOARD NOTE: Derived from 40 CFR 141.207, as added at 65 Fed. Reg. 26039 (May 4, 2000).

(Source: Added at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

#### Section 611.908 Special Notice for Exceedance of the Fluoride Secondary Standard

- a) When to give special notice. A CWS supplier that exceeds the fluoride secondary standard (SMCL) of 2 mg/L, as specified in Section 611.858 (determined by the last single sample taken in accordance with Section 611.603), but does not exceed the maximum contaminant level (MCL) of 4 mg/L for fluoride (as specified in Section 611.301), must provide the public notice in subsection (c) of this Section to persons served. Public notice must be provided as soon as practical but no later than 12 months from the day the supplier learns of the exceedance. A copy of the notice must also be sent to all new billing units and new customers at the time service begins and to the Department of Public Health. The PWS supplier must repeat the notice at least annually for as long as the SMCL is exceeded. If the public notice is posted, the notice must remain in place for as long as the fluoride SMCL is

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

exceeded, but in no case less than seven days (even if the exceedance is eliminated). On a case-by-case basis, the Agency may require an initial notice sooner than 12 months and repeat notices more frequently than annually.

- b) The form and manner of a special notice. The form and manner of the public notice (including repeat notices) must follow the requirements for a Tier 3 public notice in Section 611.904(c), (d)(1), and (d)(3). Mandatory language in a special notice. The notice must contain the following language, including the language necessary to fill in the blanks:

This is an alert about your drinking water and a cosmetic dental problem that might affect children under nine years of age. At low levels, fluoride can help prevent cavities, but children drinking water containing more than 2 milligrams per liter (mg/L) of fluoride may develop cosmetic discoloration of their permanent teeth (dental fluorosis). The drinking water provided by your community water system [name] has a fluoride concentration of [insert value] mg/L. Dental fluorosis, in its moderate or severe forms, may result in a brown staining and/or pitting of the permanent teeth. This problem occurs only in developing teeth before they erupt from the gums. Children under nine should be provided with alternative sources of drinking water or water that has been treated to remove the fluoride to avoid the possibility of staining and pitting of their permanent teeth. You may also want to contact your dentist about proper use by young children of fluoride-containing products. Older children and adults may safely drink the water.

Drinking water containing more than 4 mg/L of fluoride (the USEPA's drinking water standard) can increase your risk of developing bone disease. Your drinking water does not contain more than 4 mg/L of fluoride, but we're required to notify you when we discover that the fluoride levels in your drinking water exceed 2 mg/L because of this cosmetic dental problem.

For more information, please call [name of water system contact] of [name of community water system] at [phone number]. Some home water treatment units are also available to remove fluoride from drinking water. To learn more about available home water treatment units, you may call NSF International at 1-877-8-NSF-HELP.

BOARD NOTE: Derived from 40 CFR 141.208, as added at 65 Fed. Reg. 26039 (May 4, 2000).

(Source: Added at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

## Section 611.909 Special Notice for Nitrate Exceedances above the MCL by a Non-Community Water System

- a) When the special notice is to be given. The owner or operator of a non-CWS supplier granted permission by the Agency under Section 611.300(d) to exceed the nitrate MCL must provide notice to persons served according to the requirements for a Tier 1 notice under Section 611.902(a) and (b).
- b) The form and manner of the special notice. A non-CWS supplier granted permission by the Agency to exceed the nitrate MCL under Section 611.300(d) must provide continuous posting of the fact that nitrate levels exceed 10 mg/L and the potential health effects of exposure, according to the requirements for Tier 1 notice delivery under Section 611.902(c) and the content requirements under Section 611.905.

BOARD NOTE: Derived from 40 CFR 141.209, as added at 65 Fed. Reg. 26039 (May 4, 2000).

(Source: Added at 25 Ill. Reg. 119.030-5, effective \_\_\_\_\_)

## Section 611.910 Notice by the Agency on Behalf of a PWS

- a) The Agency may issue the notice required by this Subpart on behalf of the owner and operator of the PWS supplier if the Agency complies with the requirements of this Subpart V.

- b) The responsibility of the PWS supplier when notice is given by the Agency. The owner or operator of the PWS supplier remains responsible for ensuring that the requirements of this Subpart V are met.

BOARD NOTE: Derived from 40 CFR 141.210, as added at 65 Fed. Reg. 26039 (May 4, 2000).

(Source: Added at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

## Section 611.911 A Regulated Contaminant Mandatory Health Effects Information Regulated Contaminants

## Microbiological contaminants:

Contaminant (units): Total Coliform Bacteria  
 Traditional MCL in mg/L: MCL: (systems that collect > 40 samples/month) fewer than 5% of monthly samples are positive; (systems that collect < 40 samples/month) fewer than 1 positive monthly sample.

To convert for CCR, multiply by: --  
 MCL in CCR units: MCL: (systems that collect > 40 samples/month) fewer than

5% of monthly samples are positive; (systems that collect < 40 samples/month) fewer than 1 positive monthly sample.

MCLG: 0  
 Major sources in drinking water: Naturally present in the environment.

Health effects language: Coliforms are bacteria that are naturally present in the environment and are used as an indicator that other, potentially-harmful, bacteria may be present. Coliforms were found in more samples than allowed and this was a warning of potential problems.

Contaminant (units): Fecal coliform and E. coli

Traditional MCL in mg/L: 0

To convert for CCR, multiply by: --

MCL in CCR units: 0

MCLG: 0

Major sources in drinking water: Human and animal fecal waste.

Health effects language: Fecal coliforms and E. coli are bacteria whose presence indicates that the water may be contaminated with human or animal wastes. Microbes in these wastes can cause short-term effects, such as diarrhea, cramps, nausea, headaches, or other symptoms. They may pose a special health risk for infants, young children, some of the elderly, and people with severely-compromised immune systems.

Contaminant (units): Total organic carbon (ppm)

Traditional MCL in mg/L: TT

To convert for CCR, multiply by: --

MCL in CCR units: TT

MCLG: N/A

Major sources in drinking water: Naturally present in the environment.

Health effects language: Total organic carbon (TOC) has no health effects. However, total organic carbon provides a medium for the formation of disinfection byproducts. These byproducts include

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

trihalomethanes (THMs) and haloacetic acids (HAAs). Drinking water containing these byproducts in excess of the MCL may lead to adverse health effects, liver or kidney problems, or nervous system effects, and may lead to an increased risk of getting cancer.

Contaminant (units): Turbidity (NTU)

Traditional MCL in mg/L: TT

To convert for CCR, multiply by: --

MCL in CCR units: TT

MCLG: N/A

Major sources in drinking water: Soil runoff.

Health effects language: Turbidity has no health effects.

However, turbidity can interfere with disinfection and provide a medium for microbial growth. Turbidity may indicate the presence of disease-causing organisms. These organisms include bacteria, viruses, and parasites that can cause symptoms such as nausea, cramps, diarrhea, and associated headaches.

## Radioactive contaminants:

Contaminant (units): Beta/photon emitters (mrem/yr)

Traditional MCL in mg/L: 4 mrem/yr

To convert for CCR, multiply by: --

MCL in CCR units: 4

MCLG: N/A

Major sources in drinking water: Decay of natural and man-made deposits.

Health effects language: Certain minerals are radioactive and may emit forms of radiation known as photons and beta radiation. Some people who drink water containing beta and photon emitters in excess of the MCL over many years may have an increased risk of getting cancer.

Contaminant (units): Alpha emitters (pCi/L).

Traditional MCL in mg/L: 15 pCi/L

To convert for CCR, multiply by: --

MCL in CCR units: 15

MCLG: N/A

Major sources in drinking water: Erosion of natural deposits.

Health effects language: Certain minerals are radioactive and may emit a form of radiation known as alpha radiation. Some people who drink water containing alpha emitters in excess of the MCL over many years may have an increased risk of getting cancer.

Contaminant (units): Combined radium (pCi/L)

Traditional MCL in mg/L: 5 pCi/L

To convert for CCR, multiply by: --

MCL in CCR units: 5

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

MCLG: N/A

Major sources in drinking water: Erosion of natural deposits.

Health effects language: Some people who drink water containing radium 226 or 228 in excess of the MCL over many years may have an increased risk of getting cancer.

## Inorganic contaminants:

Contaminant (units): Antimony (ppb)

Traditional MCL in mg/L: 0.006

To convert for CCR, multiply by: 1000

MCL in CCR units: 6

MCLG: 6

Major sources in drinking water: Discharge from petroleum refineries; fire retardants; ceramics; electronics; solder.

Health effects language: Some people who drink water containing antimony well in excess of the MCL over many years could experience increases in blood cholesterol and decreases in blood sugar.

Contaminant (units): Arsenic (ppb)

Traditional MCL in mg/L: 0.05

To convert for CCR, multiply by: 1000

MCL in CCR units: 50

MCLG: N/A

Major sources in drinking water: Erosion of natural deposits; runoff from orchards; runoff from glass and electronics production wastes.

Health effects language: Some people who drink water containing arsenic in excess of the MCL over many years could experience skin damage or problems with their circulatory system, and may have an increased risk of getting cancer.

Contaminant (units): Asbestos (MFL)

Traditional MCL in mg/L: 7 MFL

To convert for CCR, multiply by: --

MCL in CCR units: 7

MCLG: 7

Major sources in drinking water: Decay of asbestos cement waste; mains; erosion of natural deposits.

Health effects language: Some people who drink water containing asbestos in excess of the MCL over many years may have an increased risk of developing benign intestinal polyps.

Contaminant (units): Barium (ppm)

Traditional MCL in mg/L: 2

To convert for CCR, multiply by: --

MCL in CCR units: 2



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

## MCLG: 2

Major sources in drinking water: Discharge of drilling wastes;

discharge from metal refineries; erosion of natural deposits.

Health effects language: Some people who drink water containing barium in excess of the MCL over many years could experience an increase in their blood pressure.

Contaminant (units): Beryllium (ppb)

Traditional MCL in mg/L: 0.004

To convert for CCR, multiply by: 1000

MCL in CCR units: 4

## MCLG: 4

Major sources in drinking water: Discharge from metal refineries and coal-burning factories; discharge from electrical, aerospace, and defense industries.

Health effects language: Some people who drink water containing beryllium well in excess of the MCL over many years could develop intestinal lesions.

Contaminant (units): Cadmium (ppb)

Traditional MCL in mg/L: 0.005

To convert for CCR, multiply by: 1000

MCL in CCR units: 5

## MCLG: 5

Major sources in drinking water: Corrosion of galvanized pipes; erosion of natural deposits; discharge from metal refineries; runoff from waste batteries and paints.

Health effects language: Some people who drink water containing cadmium in excess of the MCL over many years could experience kidney damage.

Contaminant (units): Chromium (ppb)

Traditional MCL in mg/L: 0.1

To convert for CCR, multiply by: 1000

MCL in CCR units: 100

## MCLG: 100

Major sources in drinking water: Discharge from steel and pulp mills; erosion of natural deposits.

Health effects language: Some people who use water containing chromium well in excess of the MCL over many years could experience allergic dermatitis.

Contaminant (units): Copper (ppm)

Traditional MCL in mg/L: AL-1.3

To convert for CCR, multiply by: --

MCL in CCR units: AL-1.3

## MCLG: 1.3

Major sources in drinking water: Corrosion of household

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

plumbing systems; erosion of natural deposits; leaching from wood preservatives.

Health effects language: Copper is an essential nutrient, but some people who drink water containing copper in excess of the action level over a relatively short amount of time could experience gastrointestinal distress. Some people who drink water containing copper in excess of the action level over many years could suffer liver or kidney damage. People with Wilson's Disease should consult their personal doctor.

Contaminant (units): Cyanide (ppb)

Traditional MCL in mg/L: 0.2

To convert for CCR, multiply by: 1000

MCL in CCR units: 200

## MCLG: 200

Major sources in drinking water: Discharge from steel/metal factories; discharge from plastic and fertilizer factories.

Health effects language: Some people who drink water containing cyanide well in excess of the MCL over many years could experience nerve damage or problems with their thyroid.

Contaminant (units): Fluoride (ppm)

Traditional MCL in mg/L: 4

To convert for CCR, multiply by: --

MCL in CCR units: 4

## MCLG: 4

Major sources in drinking water: Erosion of natural deposits; water additive which promotes strong teeth; discharge from fertilizer and aluminum factories.

Health effects language: Some people who drink water containing fluoride in excess of the MCL over many years could get bone disease, including pain and tenderness of the bones. Fluoride in drinking water at half the MCL or more may cause mottling of children's teeth, usually in children less than nine years old. Mottling, also known as dental fluorosis, may include brown staining and/or pitting of the teeth, and occurs only in developing teeth before they erupt from the gums.

Contaminant (units): Lead (ppb)

Traditional MCL in mg/L: AL-0.015

To convert for CCR, multiply by: 1000

MCL in CCR units: AL-15

## MCLG: 0

Major sources in drinking water: Corrosion of household plumbing systems; erosion of natural deposits.

Health effects language: Infants and children who drink water containing lead in excess of the action level could experience delays in their physical or mental development. Children could

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

show slight deficits in attention span and learning abilities. Adults who drink this water over many years could develop kidney problems or high blood pressure.

Contaminant (units): Mercury [inorganic] (ppb)

Traditional MCL in mg/L: 0.002

To convert for CCR, multiply by: 1000

MCL in CCR units: 2

MCLG: 2

Major sources in drinking water: Erosion of natural deposits; discharge from refineries and factories; runoff from landfills; runoff from cropland.

Health effects language: Some people who drink water containing inorganic mercury well in excess of the MCL over many years could experience kidney damage.

Contaminant (units): Nitrate (ppm)

Traditional MCL in mg/L: 10

To convert for CCR, multiply by: --

MCL in CCR units: 10

MCLG: 10

Major sources in drinking water: Runoff from fertilizer use; leaching from septic tanks, sewage; erosion of natural deposits.

Health effects language: Infants below the age of six months who drink water containing nitrate in excess of the MCL could become seriously ill and, if untreated, may die. Symptoms include shortness of breath and blue baby syndrome.

Contaminant (units): Nitrite (ppm)

Traditional MCL in mg/L: 1

To convert for CCR, multiply by: --

MCL in CCR units: 1

MCLG: 1

Major sources in drinking water: Runoff from fertilizer use; leaching from septic tanks, sewage; erosion of natural deposits.

Health effects language: Infants below the age of six months who drink water containing nitrite in excess of the MCL could become seriously ill and, if untreated, may die. Symptoms include shortness of breath and blue baby syndrome.

Contaminant (units): Selenium (ppb)

Traditional MCL in mg/L: 0.05

To convert for CCR, multiply by: 1000

MCL in CCR units: 50

MCLG: 50

Major sources in drinking water: Discharge from petroleum and metal refineries; erosion of natural deposits; discharge from mines.

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

Health effects language: Selenium is an essential nutrient. However, some people who drink water containing selenium in excess of the MCL over many years could experience hair or fingernail losses, numbness in fingers or toes, or problems with their circulation.

Contaminant (units): Thallium (ppb)

Traditional MCL in mg/L: 0.002

To convert for CCR, multiply by: 1000

MCL in CCR units: 2

MCLG: 0.5

Major sources in drinking water: Leaching from ore-processing sites; discharge from electronics, glass, and drug factories.

Health effects language: Some people who drink water containing thallium in excess of the MCL over many years could experience hair loss, changes in their blood, or problems with their kidneys, intestines, or liver.

Synthetic organic contaminants including pesticides and herbicides:

Contaminant (units): 2,4-D (ppb)

Traditional MCL in mg/L: 0.07

To convert for CCR, multiply by: 1000

MCL in CCR units: 70

MCLG: 70

Major sources in drinking water: Runoff from herbicide used on row crops.

Health effects language: Some people who drink water containing the weed killer 2,4-D well in excess of the MCL over many years could experience problems with their kidneys, liver, or adrenal glands.

Contaminant (units): 2,4,5-TP [silvex] (ppb)

Traditional MCL in mg/L: 0.05

To convert for CCR, multiply by: 1000

MCL in CCR units: 50

MCLG: 50

Major sources in drinking water: Residue of banned herbicide.

Health effects language: Some people who drink water containing silvex in excess of the MCL over many years could experience liver problems.

Contaminant (units): Acrylamide

Traditional MCL in mg/L:  $\frac{1}{100}$

To convert for CCR, multiply by: --

MCL in CCR units:  $\frac{1}{100}$

MCLG: 0

Major sources in drinking water: Added to water during

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

sewage/wastewater treatment.

Health effects language: Some people who drink water containing high levels of acrylamide over a long period of time could have problems with their nervous system or blood, and may have an increased risk of getting cancer.

Contaminant (units): Alachlor (ppb)

Traditional MCL in mg/L: 0.002

To convert for CCR, multiply by: 1000

MCL in CCR units: 2

MCLG: 0

Major sources in drinking water: Runoff from herbicide used on row crops.

Health effects language: Some people who drink water containing alachlor in excess of the MCL over many years could have problems with their eyes, liver, kidneys, or spleen, or experience anemia, and may have an increased risk of getting cancer.

Contaminant (units): Atrazine (ppb)

Traditional MCL in mg/L: 0.003

To convert for CCR, multiply by: 1000

MCL in CCR units: 3

MCLG: 3

Major sources in drinking water: Runoff from herbicide used on row crops.

Health effects language: Some people who drink water containing atrazine well in excess of the MCL over many years could experience problems with their cardiovascular system or reproductive difficulties.

Contaminant (units): Benzo(a)pyrene [PAH] (nanograms/L)

Traditional MCL in mg/L: 0.0002

To convert for CCR, multiply by: 1,000,000

MCL in CCR units: 200

MCLG: 0

Major sources in drinking water: Leaching from linings of water storage tanks and distribution lines.

Health effects language: Some people who drink water containing benzo(a)pyrene in excess of the MCL over many years may experience reproductive difficulties and may have an increased risk of getting cancer.

Contaminant (units): Carbofuran (ppb)

Traditional MCL in mg/L: 0.04

To convert for CCR, multiply by: 1000

MCL in CCR units: 40

MCLG: 40

Major sources in drinking water: Leaching of soil fumigant used

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

on rice and alfalfa.

Health effects language: Some people who drink water containing carbofuran in excess of the MCL over many years could experience problems with their blood, or nervous or reproductive systems.

Contaminant (units): Chlordane (ppb)

Traditional MCL in mg/L: 0.002

To convert for CCR, multiply by: 1000

MCL in CCR units: 2

MCLG: 0

Major sources in drinking water: Residue of banned termiticide.

Health effects language: Some people who drink water containing chlordane in excess of the MCL over many years could experience problems with their liver or nervous system, and may have an increased risk of getting cancer.

Contaminant (units): Dalapon (ppb)

Traditional MCL in mg/L: 0.2

To convert for CCR, multiply by: 1000

MCL in CCR units: 200

MCLG: 200

Major sources in drinking water: Runoff from herbicide used on rights of way.

Health effects language: Some people who drink water containing dalapon well in excess of the MCL over many years could experience minor kidney changes.

Contaminant (units): Di(2-ethylhexyl)adipate (ppb)

Traditional MCL in mg/L: 0.4

To convert for CCR, multiply by: 1000

MCL in CCR units: 400

MCLG: 400

Major sources in drinking water: Discharge from chemical factories.

Health effects language: Some people who drink water containing di(2-ethylhexyl)adipate well in excess of the MCL over many years could experience general toxic effects or reproductive difficulties.

Contaminant (units): Di(2-ethylhexyl)phthalate (ppb)

Traditional MCL in mg/L: 0.006

To convert for CCR, multiply by: 1000

MCL in CCR units: 6

MCLG: 0

Major sources in drinking water: Discharge from rubber and chemical factories

Health effects language: Some people who drink water containing di(2-ethylhexyl)phthalate in excess of the MCL over many years may

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

have problems with their liver, or experience reproductive difficulties, and may have an increased risk of getting cancer.

Contaminant (units): Dibromochloropropane [DBCP] (ppt)

Traditional MCL in mg/L: 0.0002

To convert for CCR, multiply by: 1,000,000

MCL in CCR units: 200

MCLG: 0  
Major sources in drinking water: Runoff/leaching from soil fumigant used on soybeans, cotton, pineapples, and orchards.

Health effects language: Some people who drink water containing DBCP in excess of the MCL over many years could experience reproductive problems and may have an increased risk of getting cancer.

Contaminant (units): Dinoseb (ppb)

Traditional MCL in mg/L: 0.007

To convert for CCR, multiply by: 1000

MCL in CCR units: 7

MCLG: 7

Major sources in drinking water: Runoff from herbicide used on soybeans and vegetables.

Health effects language: Some people who drink water containing dinoseb well in excess of the MCL over many years could experience reproductive difficulties.

Contaminant (units): Diquat (ppb)

Traditional MCL in mg/L: 0.02

To convert for CCR, multiply by: 1000

MCL in CCR units: 20

MCLG: 20

Major sources in drinking water: Runoff from herbicide use.

Health effects language: Some people who drink water containing diquat in excess of the MCL over many years could get cataracts.

Contaminant (units): Dioxin [2,3,7,8-TCDD] (ppq)

Traditional MCL in mg/L: 0.00000003

To convert for CCR, multiply by: 1,000,000,000

MCL in CCR units: 30

MCLG: 0

Major sources in drinking water: Emissions from waste incineration and other combustion; discharge from chemical factories.

Health effects language: Some people who drink water containing dioxin in excess of the MCL over many years could experience reproductive difficulties and may have an increased risk of getting cancer.

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

Contaminant (units): Endothall (ppb)

Traditional MCL in mg/L: 0.1

To convert for CCR, multiply by: 1000

MCL in CCR units: 100

MCLG: 100

Major sources in drinking water: Runoff from herbicide use.

Health effects language: Some people who drink water containing endothall in excess of the MCL over many years could experience problems with their stomach or intestines.

Contaminant (units): Endrin (ppb)

Traditional MCL in mg/L: 0.002

To convert for CCR, multiply by: 1000

MCL in CCR units: 2

MCLG: 2

Major sources in drinking water: Residue of banned insecticide.

Health effects language: Some people who drink water containing endrin in excess of the MCL over many years could experience liver problems.

Contaminant (units): Epichlorohydrin.

Traditional MCL in mg/L: TT

To convert for CCR, multiply by: --

MCL in CCR units: TT

MCLG: 0

Major sources in drinking water: Discharge from industrial chemical factories; an impurity of some water treatment chemicals.  
Health effects language: Some people who drink water containing high levels of epichlorohydrin over a long period of time could experience stomach problems, and may have an increased risk of getting cancer.

Contaminant (units): Ethylene dibromide (ppt)

Traditional MCL in mg/L: 0.00005

To convert for CCR, multiply by: 1,000,000

MCL in CCR units: 50

MCLG: 0

Major sources in drinking water: Discharge from petroleum refineries.

Health effects language: Some people who drink water containing ethylene dibromide in excess of the MCL over many years could experience problems with their liver, stomach, reproductive system, or kidneys, and may have an increased risk of getting cancer.

Contaminant (units): Glyphosate (ppb)

Traditional MCL in mg/L: 0.7

To convert for CCR, multiply by: 1000

MCL in CCR units: 700



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

MCLG: 700

Major sources in drinking water: Runoff from herbicide use.  
 Health effects language: Some people who drink water containing glyphosate in excess of the MCL over many years could experience problems with their kidneys or reproductive difficulties.

Contaminant (units): Heptachlor (ppt)Traditional MCL in mg/L: 0.0004To convert for CCR, multiply by: 1,000,000MCL in CCR units: 400

MCLG: 0

Major sources in drinking water: Residue of banned pesticide.  
 Health effects language: Some people who drink water containing heptachlor in excess of the MCL over many years could experience liver damage and may have an increased risk of getting cancer.

Contaminant (units): Heptachlor epoxide (ppt)Traditional MCL in mg/L: 0.0002To convert for CCR, multiply by: 1,000,000MCL in CCR units: 200

MCLG: 0

Major sources in drinking water: Breakdown of heptachlor.  
 Health effects language: Some people who drink water containing heptachlor epoxide in excess of the MCL over many years could experience liver damage, and may have an increased risk of getting cancer.

Contaminant (units): Hexachlorobenzene (ppb)Traditional MCL in mg/L: 0.001To convert for CCR, multiply by: 1000MCL in CCR units: 1

MCLG: 0

Major sources in drinking water: Discharge from metal refineries and agricultural chemical factories.  
 Health effects language: Some people who drink water containing hexachlorobenzene in excess of the MCL over many years could experience problems with their liver or kidneys, or adverse reproductive effects, and may have an increased risk of getting cancer.

Contaminant (units): Hexachlorocyclopentadiene (ppb)Traditional MCL in mg/L: 0.05To convert for CCR, multiply by: 1000MCL in CCR units: 50

MCLG: 50

Major sources in drinking water: Discharge from chemical factories.  
 Health effects language: Some people who drink water containing

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

hexachlorocyclopentadiene well in excess of the MCL over many years could experience problems with their kidneys or stomach.

Contaminant (units): Lindane (ppt)Traditional MCL in mg/L: 0.0002To convert for CCR, multiply by: 1,000,000MCL in CCR units: 200

MCLG: 200

Major sources in drinking water: Runoff/leaching from insecticide used on cattle, lumber, gardens.

Health effects language: Some people who drink water containing lindane in excess of the MCL over many years could experience problems with their kidneys or liver.

Contaminant (units): Methoxychlor (ppb)Traditional MCL in mg/L: 0.04To convert for CCR, multiply by: 1000MCL in CCR units: 40

MCLG: 40

Major sources in drinking water: Runoff/leaching from insecticide used on fruits, vegetables, alfalfa, livestock.

Health effects language: Some people who drink water containing methoxychlor in excess of the MCL over many years could experience reproductive difficulties.

Contaminant (units): Oxamyl (Vydate) (ppb)Traditional MCL in mg/L: 0.2To convert for CCR, multiply by: 1000MCL in CCR units: 200

MCLG: 200

Major sources in drinking water: Runoff/leaching from insecticide used on apples, potatoes and tomatoes.

Health effects language: Some people who drink water containing oxamyl in excess of the MCL over many years could experience slight nervous system effects.

Contaminant (units): PCBs [Polychlorinated biphenyls] (ppt)Traditional MCL in mg/L: 0.0005To convert for CCR, multiply by: 1,000,000MCL in CCR units: 500

MCLG: 0

Major sources in drinking water: Runoff from landfills; discharge of waste chemicals.

Health effects language: Some people who drink water containing PCBs in excess of the MCL over many years could experience changes in their skin, problems with their thymus gland, immune deficiencies, or reproductive or nervous system difficulties, and may have an increased risk of getting cancer.



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

Contaminant (units): Pentachlorophenol (ppb)  
 Traditional MCL in mg/L: 0.001  
 To convert for CCR, multiply by: 1000  
 MCL in CCR units: 1  
 MCLG: 0  
 Major sources in drinking water: Discharge from wood preserving factories.  
 Health effects language: Some people who drink water containing pentachlorophenol in excess of the MCL over many years could experience problems with their liver or kidneys, and may have an increased risk of getting cancer.

Contaminant (units): Picloram (ppb)  
 Traditional MCL in mg/L: 0.5  
 To convert for CCR, multiply by: 1000  
 MCL in CCR units: 500  
 MCLG: 500  
 Major sources in drinking water: Herbicide runoff.  
 Health effects language: Some people who drink water containing picloram in excess of the MCL over many years could experience problems with their liver.

Contaminant (units): Simazine (ppb)  
 Traditional MCL in mg/L: 0.004  
 To convert for CCR, multiply by: 1000  
 MCL in CCR units: 4  
 MCLG: 4  
 Major sources in drinking water: Herbicide runoff.  
 Health effects language: Some people who drink water containing simazine in excess of the MCL over many years could experience problems with their blood.

Contaminant (units): Toxaphene (ppb)  
 Traditional MCL in mg/L: 0.003  
 To convert for CCR, multiply by: 1000  
 MCL in CCR units: 3  
 MCLG: 0  
 Major sources in drinking water: Runoff/leaching from insecticide used on cotton and cattle.  
 Health effects language: Some people who drink water containing toxaphene in excess of the MCL over many years could have problems with their kidneys, liver, or thyroid, and may have an increased risk of getting cancer.

## Volatile organic contaminants:

Contaminant (units): Benzene (ppb)  
 Traditional MCL in mg/L: 0.005

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

To convert for CCR, multiply by: 1000  
 MCL in CCR units: 5  
 MCLG: 0  
 Major sources in drinking water: Discharge from factories; leaching from gas storage tanks and landfills.  
 Health effects language: Some people who drink water containing benzene in excess of the MCL over many years could experience anemia or a decrease in blood platelets, and may have an increased risk of getting cancer.

Contaminant (units): Bromate (ppb)  
 Traditional MCL in mg/L: 0.010  
 To convert for CCR, multiply by: 1000  
 MCL in CCR units: 10  
 MCLG: 0  
 Major sources in drinking water: Byproduct of drinking water chlorination.  
 Health effects language: Some people who drink water containing bromate in excess of the MCL over many years may have an increased risk of getting cancer.

Contaminant (units): Carbon tetrachloride (ppb)  
 Traditional MCL in mg/L: 0.005  
 To convert for CCR, multiply by: 1000  
 MCL in CCR units: 5  
 MCLG: 0  
 Major sources in drinking water: Discharge from chemical plants and other industrial activities.  
 Health effects language: Some people who drink water containing carbon tetrachloride in excess of the MCL over many years could experience problems with their liver and may have an increased risk of getting cancer.

Contaminant (units): Chloramines (ppm)  
 Traditional MCL in mg/L: MRDL = 4  
 To convert for CCR, multiply by: --  
 MCL in CCR units: MRDL = 4  
 MCLG: MRDLG = 4  
 Major sources in drinking water: Water additive used to control microbes.  
 Health effects language: Some people who use water containing chloramines well in excess of the MRDL could experience irritating effects to their eyes and nose. Some people who drink water containing chloramines well in excess of the MRDL could experience stomach discomfort or anemia.

Contaminant (units): Chlorine (ppm)  
 Traditional MCL in mg/L: MRDL = 4

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

To convert for CCR, multiply by: --

MCL in CCR units: MRDL = 4

MCLG: MRDLG = 4

Major sources in drinking water: Water additive used to control microbes.

Health effects language: Some people who use water containing chlorine well in excess of the MRDL could experience irritating effects to their eyes and nose. Some people who drink water containing chlorine well in excess of the MRDL could experience stomach discomfort.

Contaminant (units): Chlorite (ppm)

Traditional MCL in mg/L: 1

To convert for CCR, multiply by: --

MCL in CCR units: 1

MCLG: 0.8

Major sources in drinking water: Byproduct of drinking water chlorination.

Health effects language: Some infants and young children who drink water containing chlorite in excess of the MCL could experience nervous system effects. Similar effects may occur in fetuses of pregnant women who drink water containing chlorite in excess of the MCL. Some people may experience anemia.

Contaminant (units): Chloride dioxide (ppb)

Traditional MCL in mg/L: MRDL = 0.8

To convert for CCR, multiply by: 1000

MCL in CCR units: MRDL = 800

MCLG: MRDLG = 800

Major sources in drinking water: Water additive used to control microbes.

Health effects language: Some infants and young children who drink water containing chlorine dioxide in excess of the MRDL could experience nervous system effects. Similar effects may occur in fetuses of pregnant women who drink water containing chlorine dioxide in excess of the MRDL. Some people may experience anemia.

Contaminant (units): Chlorobenzene (ppb)

Traditional MCL in mg/L: 0.1

To convert for CCR, multiply by: 1000

MCL in CCR units: 100

MCLG: 100

Major sources in drinking water: Discharge from chemical and agricultural chemical factories.

Health effects language: Some people who drink water containing chlorobenzene in excess of the MCL over many years could experience problems with their liver or kidneys.

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

Contaminant (units): o-Dichlorobenzene (ppb)

Traditional MCL in mg/L: 0.6

To convert for CCR, multiply by: 1000

MCL in CCR units: 600

MCLG: 600

Major sources in drinking water: Discharge from industrial chemical factories.

Health effects language: Some people who drink water containing o-dichlorobenzene well in excess of the MCL over many years could experience problems with their liver, kidneys, or circulatory systems.

Contaminant (units): p-Dichlorobenzene (ppb)

Traditional MCL in mg/L: 0.075

To convert for CCR, multiply by: 1000

MCL in CCR units: 75

MCLG: 75

Major sources in drinking water: Discharge from industrial chemical factories.

Health effects language: Some people who drink water containing p-dichlorobenzene in excess of the MCL over many years could experience anemia, damage to their liver, kidneys, or spleen, or changes in their blood.

Contaminant (units): 1,2-Dichloroethane (ppb)

Traditional MCL in mg/L: 0.005

To convert for CCR, multiply by: 1000

MCL in CCR units: 5

MCLG: 0

Major sources in drinking water: Discharge from industrial chemical factories.

Health effects language: Some people who drink water containing 1,2-dichloroethane in excess of the MCL over many years may have an increased risk of getting cancer.

Contaminant (units): 1,1-Dichloroethylene (ppb)

Traditional MCL in mg/L: 0.007

To convert for CCR, multiply by: 1000

MCL in CCR units: 7

MCLG: 7

Major sources in drinking water: Discharge from industrial chemical factories.

Health effects language: Some people who drink water containing 1,1-dichloroethylene in excess of the MCL over many years could experience problems with their liver.

Contaminant (units): cis-1,2-Dichloroethylene (ppb)

Traditional MCL in mg/L: 0.07

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

To convert for CCR, multiply by: 1000

MCL in CCR units: 70  
MCLG: 70

Major sources in drinking water: Discharge from industrial chemical factories.

Health effects language: Some people who drink water containing cis-1,2-dichloroethylene in excess of the MCL over many years could experience problems with their liver.

Contaminant (units): trans-1,2-Dichloroethylene (ppb)

Traditional MCL in mg/L: 0.1

To convert for CCR, multiply by: 1000

MCL in CCR units: 100

MCLG: 100

Major sources in drinking water: Discharge from industrial chemical factories.

Health effects language: Some people who drink water containing

trans-1,2-dichloroethylene well in excess of the MCL over many years could experience problems with their liver.

Contaminant (units): Dichloromethane (ppb)

Traditional MCL in mg/L: 0.005

To convert for CCR, multiply by: 1000

MCL in CCR units: 5

MCLG: 0

Major sources in drinking water: Discharge from pharmaceutical and chemical factories.

Health effects language: Some people who drink water containing dichloromethane in excess of the MCL over many years could have liver problems and may have an increased risk of getting cancer.

Contaminant (units): 1,2-Dichloropropane (ppb)

Traditional MCL in mg/L: 0.005

To convert for CCR, multiply by: 1000

MCL in CCR units: 5

MCLG: 0

Major sources in drinking water: Discharge from industrial chemical factories.

Health effects language: Some people who drink water containing 1,2-dichloropropane in excess of the MCL over many years may have an increased risk of getting cancer.

Contaminant (units): Ethylbenzene (ppb)

Traditional MCL in mg/L: 0.7

To convert for CCR, multiply by: 1000

MCL in CCR units: 700

MCLG: 700

Major sources in drinking water: Discharge from petroleum

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

refineries.

Health effects language: Some people who drink water containing ethylbenzene well in excess of the MCL over many years could experience problems with their liver or kidneys.

Contaminant (units): Haloacetic Acids (HAA5) (ppb)

Traditional MCL in mg/L: 0.060

To convert for CCR, multiply by: 1000

MCL in CCR units: 60

MCLG: N/A

Major sources in drinking water: Byproduct of drinking water disinfection.

Health effects language: Some people who drink water containing haloacetic acids in excess of the MCL over many years may have an increased risk of getting cancer.

Contaminant (units): Styrene (ppb)

Traditional MCL in mg/L: 0.1

To convert for CCR, multiply by: 1000

MCL in CCR units: 100

MCLG: 100

Major sources in drinking water: Discharge from rubber and plastic factories; leaching from landfills.

Health effects language: Some people who drink water containing styrene well in excess of the MCL over many years could have problems with their liver, kidneys, or circulatory system.

Contaminant (units): Tetrachloroethylene (ppb)

Traditional MCL in mg/L: 0.005

To convert for CCR, multiply by: 1000

MCL in CCR units: 5

MCLG: 0

Major sources in drinking water: Discharge from factories and cleaners.

Health effects language: Some people who drink water containing tetrachloroethylene in excess of the MCL over many years could have problems with their liver, and may have an increased risk of getting cancer.

Contaminant (units): 1,2,4-Trichlorobenzene (ppb)

Traditional MCL in mg/L: 0.07

To convert for CCR, multiply by: 1000

MCL in CCR units: 70

MCLG: 70

Major sources in drinking water: Discharge from textile-finishing factories.

Health effects language: Some people who drink water containing 1,2,4-trichlorobenzene well in excess of the MCL over many years

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

could experience changes in their adrenal glands.

Contaminant (units): 1,1,1-Trichloroethane (ppb)

Traditional MCL in mg/L: 0.2

To convert for CCR, multiply by: 1000

MCL in CCR units: 200

MCLG: 200

Major sources in drinking water: Discharge from metal degreasing site and other factories.

Health effects language: Some people who drink water containing 1,1,1-trichloroethane in excess of the MCL over many years could experience problems with their liver, nervous system, or circulatory system.

Contaminant (units): 1,1,2-Trichloroethane (ppb)

Traditional MCL in mg/L: 0.005

To convert for CCR, multiply by: 1000

MCL in CCR units: 5

MCLG: 3

Major sources in drinking water: Discharge from industrial chemical factories.

Health effects language: Some people who drink water containing 1,1,2-trichloroethane well in excess of the MCL over many years could have problems with their liver, kidneys, or immune systems.

Contaminant (units): Trichloroethylene (ppb)

Traditional MCL in mg/L: 0.005

To convert for CCR, multiply by: 1000

MCL in CCR units: 5

MCLG: 0

Major sources in drinking water: Discharge from metal degreasing sites and other factories.

Health effects language: Some people who drink water containing trichloroethylene in excess of the MCL over many years could experience problems with their liver and may have an increased risk of getting cancer.

Contaminant (units): TTHMs [Total trihalomethanes] (ppb)

Traditional MCL in mg/L: 0.10/0.080

To convert for CCR, multiply by: 1000

MCL in CCR units: 100/80

MCLG: N/A

Major sources in drinking water: Byproduct of drinking water chlorination.

Health effects language: Some people who drink water containing trihalomethanes in excess of the MCL over many years may experience problems with their liver, kidneys, or central nervous systems, and may have an increased risk of getting cancer.

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

Contaminant (units): Toluene (ppm)

Traditional MCL in mg/L: 1

To convert for CCR, multiply by: --

MCL in CCR units: 1

MCLG: 1

Major sources in drinking water: Discharge from petroleum factories.

Health effects language: Some people who drink water containing toluene well in excess of the MCL over many years could have problems with their nervous system, kidneys, or liver.

Contaminant (units): Vinyl Chloride (ppb)

Traditional MCL in mg/L: 0.002

To convert for CCR, multiply by: 1000

MCL in CCR units: 2

MCLG: 0

Major sources in drinking water: Leaching from PVC piping;

discharge from plastics factories.

Health effects language: Some people who drink water containing vinyl chloride in excess of the MCL over many years may have an increased risk of getting cancer.

Contaminant (units): Xylenes (ppm)

Traditional MCL in mg/L: 10

To convert for CCR, multiply by: --

MCL in CCR units: 10

MCLG: 10

Major sources in drinking water: Discharge from petroleum

factories; discharge from chemical factories.

Health effects language: Some people who drink water containing xylenes in excess of the MCL over many years could experience damage to their nervous system.

## Key:

## Abbreviation Meaning

AL Action Level

MCL Maximum Contaminant Level

MCLG Maximum Contaminant Level Goal

MFL million fibers per liter

MRDL Maximum Residual Disinfectant Level

MRDLG Maximum Residual Disinfectant Level Goal

mrem/year millirems per year (a measure of radiation absorbed by the body)

N/A Not Applicable

NTU Nephelometric Turbidity Units (a measure of water clarity)

pCi/L picocuries per liter (a measure of radioactivity)



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

ppm  
ppb  
ppt  
ppq  
TT

parts per million, or milligrams per liter (mg/L)  
parts per billion, or micrograms per liter (ug/L)  
parts per trillion, or nanograms per liter  
parts per quadrillion, or picograms per liter  
Treatment Technique

- 1) trichloroethylene--the United States Environmental Protection Agency (USEPA)--sets drinking water standards and has determined that trichloroethylene is a health concern at certain levels of exposure. This chemical is a common metal cleaning and dry cleaning fluid. It generally gets into drinking water by improper waste disposal. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed at lower levels over long periods of time. USEPA has set forth the enforceable drinking water standard for trichloroethylene at 0.005 parts per million (ppm) to reduce the risk of cancer or other adverse health effects which have been observed in laboratory animals. Drinking water which meets this standard is associated with little to none of this risk and should be considered safer.

- 2) Carbon tetrachloride--The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that carbon tetrachloride is a health concern at certain levels of exposure. This chemical was once a popular household cleaning fluid. It generally gets into drinking water by improper waste disposal. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed at lower levels over long periods of time. USEPA has set the enforceable drinking water standard for carbon tetrachloride at 0.005 parts per million (ppm) to reduce the risk of cancer or other adverse health effects which have been observed in laboratory animals. Drinking water which meets this standard is associated with little to none of this risk and should be considered safer.

- 3) 1,2-Dichloroethane--The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that 1,2-dichloroethane is a health concern at certain levels of exposure. This chemical is used as a cleaning fluid for fats, oils, waxes, and resins. It generally gets into drinking water by improper waste disposal. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed at lower levels over long periods of time. USEPA has set the enforceable drinking water standard for 1,2-dichloroethane at 0.005 parts per million (ppm) to reduce the risk of cancer or other

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- adverse health effects which have been observed in laboratory animals. Drinking water which meets this standard is associated with little to none of this risk and should be considered safe.
- 4) Vinyl chloride--The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that vinyl chloride is a health concern at certain levels of exposure. This chemical is used in industry and is found in drinking water as a result of the breakdown of related solvents. The solvents are used as cleaners and degreasers of metals and generally get into drinking water by improper waste disposal. This chemical has been associated with significantly increased risks of cancer among certain industrial workers who were exposed to relatively large amounts of this chemical during their working careers. This chemical has also been shown to cause cancer in laboratory animals when the animals are exposed at high levels over their lifetimes. Chemicals that cause increased risk of cancer among exposed industrial workers and in laboratory animals also may increase the risk of cancer in humans who are exposed at lower levels over long periods of time. USEPA has set the enforceable drinking water standard for vinyl chloride at 0.002 parts per million (ppm) to reduce the risk of cancer or other adverse health effects which have been observed in laboratory animals. Drinking water which meets this standard is associated with little to none of this risk and should be considered safer.

- 5) Benzene--The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that benzene is a health concern at certain levels of exposure. This chemical is used as a solvent and degreaser of metals. It is also a major component of gasoline. Drinking water contamination generally results from leaking underground gasoline and petroleum tanks or improper waste disposal. This chemical has been associated with significantly increased risks of leukemia among certain industrial workers who were exposed to relatively large amounts of this chemical during their working careers. This chemical has also been shown to cause cancer in laboratory animals when the animals are exposed at high levels over their lifetimes. Chemicals that cause increased risk of cancer among exposed industrial workers and in laboratory animals also may increase the risk of cancer in humans who are exposed at lower levels over long periods of time. USEPA has set the drinking water standard for benzene at 0.005 parts per million (ppm) to reduce the risk of cancer or other adverse health effects which have been observed in humans and laboratory animals. Drinking water which meets this standard is associated with little to none of this risk and should be considered safer.

- 6) 1,1-Dichloroethylene--The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that 1,1-dichloroethylene is a health concern at certain levels of exposure. This chemical is used in industry and is found in drinking water as a result of the breakdown of related solvents. The solvents



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

are used as cleaners and degreasers of metals and generally get into drinking water by improper waste disposal. This chemical has been shown to cause liver and kidney damage in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals that cause adverse effects in laboratory animals also may cause adverse health effects in humans who are exposed at lower levels over long periods of time. USEPA has set the enforceable drinking water standard for tri-chloroethylene at 0.007 parts per million (ppm) to reduce the risk of these adverse health effects which have been observed in laboratory animals. Drinking water which meets this standard is associated with little to none of this risk and should be considered safe.

77 Para-dichlorobenzene. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that para-dichlorobenzene is a health concern at certain levels of exposure. This chemical is a component of deodorizers, moth balls and pesticides. It generally gets into drinking water by improper waste disposal. This chemical has been shown to cause liver and kidney damage in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals which cause adverse effects in laboratory animals also may cause adverse health effects in humans who are exposed at lower levels over long periods of time. USEPA has set the enforceable drinking water standard for para-dichlorobenzene at 0.075 parts per million (ppm) to reduce the risk of these adverse health effects which have been observed in laboratory animals. Drinking water which meets this standard is associated with little to none of this risk and should be considered safe.

87 Tri-t-chloroethane. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that tri-t-chloroethane is a health concern at certain levels of exposure. This chemical is used as a cleaner and degreaser of metals. It generally gets into drinking water by improper waste disposal. This chemical has been shown to damage the liver, nervous system, and circulatory system of laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Some industrial workers who were exposed to relatively large amounts of this chemical during their working careers also suffered damage to the liver, nervous system, and circulatory system. Chemicals which cause adverse effects among exposed industrial workers and in laboratory animals also cause adverse health effects in humans who are exposed at lower levels over long periods of time. USEPA has set the enforceable drinking water standard for tri-t-chloroethane at 0.2 parts per million (ppm) to protect against the risk of these adverse health effects which have been observed in laboratory animals. Drinking water which meets this standard is associated with little to none of this risk and should be considered safe.

97 Fluoride. The U.S. Environmental Protection Agency requires that we

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

send you this notice on the level of fluoride in your drinking water. The drinking water in your community has a fluoride concentration of (concentration to be provided by supplier) milligrams per liter (mg/L).

Federal regulations require that fluoride, which occurs naturally in your water supply, not exceed a concentration of 4.0 mg/L in drinking water. This is an enforceable standard called a Maximum Contaminant Level (MCL), and it has been established to protect the public health. Exposure to drinking water levels above 4.0 mg/L for many years may result in some cases of crippling skeletal fluorosis, which is a serious bone disorder.

Federal law also requires that we notify you when monitoring indicates that the fluoride in your drinking water exceeds 2.0 mg/L. This is intended to alert families about dental problems that might affect children under nine years of age. The fluoride concentration of your water exceeds this federal guideline.

Fluoride in children's drinking water at levels of approximately 1 mg/L reduces the number of dental cavities. However, some children exposed to levels of fluoride greater than about 2.0 mg/L may develop dental fluorosis. Dental fluorosis, in its moderate and severe forms, is a brown staining and/or pitting of the permanent teeth.

Because dental fluorosis occurs only when developing teeth (before they erupt from the gums) are exposed to elevated fluoride levels, households without children are not expected to be affected by this level of fluoride. Families with children under the age of nine are encouraged to seek other sources of drinking water for their children to avoid the possibility of staining and pitting.

Your water supplier can lower the concentration of fluoride in your water so that you will still receive the benefits of cavity prevention while the possibility of stained and pitted teeth is minimized. Removal of fluoride may increase your water costs. Treatment systems are also commercially available for home use. Information on such systems is available at the address given below. Low fluoride bottled drinking water that would meet all standards is also commercially available.

For further information, contact (name of contact person) to be provided by supplier at your water system.

BOAR-NBPR--Derived from 40 CFR 141.32(a)(9) and 141.5 (1998):

10) Microbiological contaminants (for use when there is a violation of the treatment technique requirements for filtration and disinfection in Subpart B or Subpart R of this Part). The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that the presence of microbiological contaminants are a health concern at certain levels of exposure. If water is inadequately treated, microbiological contaminants in that water may cause disease. Disease symptoms may include diarrhea, cramps, nausea and possibly jaundice and any associated headaches and fatigue. These symptoms, however, are not just associated with disease-causing

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

organisms--in--drinking--water--but--also--may--be--caused--by--a--number--of--factors--other--than--your--drinking--water--USPA--has--set--enforceable--requirements--for--treating--drinking--water--to--reduce--the--risk--of--these--adverse--health--effects--treatment--such--as--filtering--and--disinfecting--the--water--removes--or--destroys--microbiological--contaminants--Drinking--water--which--is--treated--to--meet--USEPA--requirements--is--associated--with--little--to--none--of--this--risk--and--should--be--considered--safe

11) Total coliforms--(to--be--used--when--there--is--a--violation--of--Section--611-325(a) and not a violation of Section 611-325(b))--The--United--States--Environmental--Protection--Agency--(USEPA)--sets--drinking--water--standards--and--has--determined--that--the--presence--of--total--coliforms--is--a--possible--health--concern--total--coliforms--are--common--in--the--environment--and--are--generally--not--harmful--themselves--The--presence--of--these--bacteria--in--drinking--water--however--generally--is--a--result--of--a--problem--with--water--treatment--or--the--pipes--which--distribute--the--water--and--indicates--that--the--water--may--be--contaminated--with--organisms--that--can--cause--disease--Disease--symptoms--may--include--diarrhea--cramps--nausea--and--possibly--jaundice--and--any--associated--headaches--and--fatigue--These--symptoms--however--are--not--just--associated--with--disease--causing--organisms--in--drinking--water--but--also--may--be--caused--by--a--number--of--factors--other--than--your--drinking--water--USPA--has--set--an--enforceable--drinking--water--standard--for--total--coliforms--to--reduce--the--risk--of--these--adverse--health--effects--Under--this--standard--no--more--than--5-0 percent of the samples collected during a month can contain these bacteria except that systems collecting fewer than 40 samples/month that have one total coliform positive sample per month are not violating the standard--Drinking water which meets this standard is usually not associated with a health risk--from disease-causing bacteria and should be considered safe

12) Fecal Coliforms/B--coli--(to--be--used--when--there--is--a--violation--of--Section--611-325(b) or both Section 611-325(a) and (b))--The--United--States--Environmental--Protection--Agency--(USEPA)--sets--drinking--water--standards--and--has--determined--that--the--presence--of--fecal--coliforms--or--B--coli--is--a--serious--health--concern--Fecal coliforms and B--coli are generally not harmful themselves, but their presence in drinking water is serious because they usually are associated with sewage or animal wastes--The presence of these bacteria in drinking water is generally a result of a problem with water treatment or the pipes which distribute the water and indicates that the water may be contaminated with organisms that can cause disease--Disease symptoms may include diarrhea--cramps--nausea--and--possibly--jaundice--and--associated--headaches--and--fatigue--These symptoms however are not just associated with disease-causing organisms in drinking water but also may be caused by a number of factors other than your drinking water--USPA--has--set--an--enforceable--drinking--water--standard--for--fecal--coliforms--and--B--coli--to--reduce--the--risk--of--these--adverse--health--effects--Under--this--standard--all--drinking--water--samples--must--be--free--of--these--bacteria--drinking--water--which--meets--this--standard--is

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

associated--with--little--or--none--of--this--risk--and--should--be--considered--safe--State--and--local--health--authorities--recommend--that--consumers--take--the--following--precautions--(to--be--inserted--by--the--public--water--system--according--to--instruction--from--State--or--local--authorities)

13) head--The--United--States--Environmental--Protection--Agency--(USEPA)--sets--drinking--water--standards--and--has--determined--that--lead--is--a--health--concern--at--certain--exposure--levels--Materials--that--contain--lead--have--frequently--been--used--in--the--construction--of--water--supply--distribution--systems--and--plumbing--systems--in--private--homes--and--other--buildings--The--most--commonly--found--materials--include--service--lines--pipes--brass--and--bronze--fixtures--and--solders--and--fluxes--lead--in--these--materials--can--contaminate--drinking--water--as--a--result--of--the--corrosion--that--takes--place--when--water--comes--into--contact--with--these--materials--Lead--can--cause--a--variety--of--adverse--health--effects--in--humans--At--relatively--low--levels--of--exposure--these--effects--may--include--interference--with--red--blood--cell--chemistry--delays--in--normal--physical--and--mental--development--in--babies--and--young--children--slight--deficits--in--the--attention--span--hearing--and--learning--abilities--of--children--and--slight--increases--in--blood--pressure--of--some--adults--USEPA's--national--optimize--corrosion--control--to--minimize--lead--contamination--resulting--from--the--corrosion--of--plumbing--materials--Public--water--systems--serving--50-000 people or fewer that have lead concentrations below 15 parts-per-billion--(ppb)--in--more--than--90%--of--tap--water--samples--the--USEPA--action--level--have--optimized--their--corrosion--control--treatment--Any--water--system--that--exceeds--the--action--level--must--also--monitor--their--source--water--to--determine--whether--treatment--to--remove--lead--in--source--water--is--needed--Any--water--system--that--continues--to--exceed--the--action--level--after--installation--of--corrosion--control--or--source--water--treatment--must--eventually--replace--all--lead--service--lines--contributing--in--excess--of--15-ppb--of--lead--to--drinking--water--Any--water--system--that--exceeds--the--action--level--must--also--undertake--a--public--education--program--to--inform--consumers--of--ways--they--can--reduce--their--exposure--to--potentially--high--levels--of--lead--in--drinking--water

14) Copper--The--United--States--Environmental--Protection--Agency--(USEPA)--sets--drinking--water--standards--and--has--determined--that--copper--is--a--health--concern--at--certain--exposure--levels--Copper--a--reddish-brown--metal--is--often--used--to--plumb--residential--and--commercial--structures--that--are--connected--to--water--distribution--systems--Copper--contaminating--drinking--water--as--a--corrosion--byproduct--occurs--as--the--result--of--the--corrosion--of--copper--pipes--that--remain--in--contact--with--water--for--a--prolonged--period--of--time--Copper--is--an--essential--nutrient--but--at--high--doses--it--has--been--shown--to--cause--stomach--and--intestinal--distress--liver--and--kidney--damage--and--anemia--Persons--with--Wilson's--disease--may--be--at--a--higher--risk--of--health--effects--due--to--copper--than--the--general--public--USEPA's--national--primary--drinking--water--regulation--requires--all--public--water--systems--to--install--optimal--corrosion--control--to--minimize--copper--contamination--resulting--from--the



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

corrosion--of-plumbing-materials---Public-water-systems-serving-507000 people-or-fewer-that-have-copper-concentrations-below-1.3-parts-per-million-(ppm)-in-more-than-90%-of-tap-water-samples-(the-USEPA-action level)-are-not-required-to-install-or-improve-their-treatment---Any water-system-that-exceeds-the-action-level-must-also-monitor-their source-water-to-determine-whether-treatment-to-remove-copper-in-source water-is-needed.

15) Asbestos---The-United-States-Environmental-Protection-Agency-(USEPA) sets-drinking-water-standards-and-has-determined-that-asbestos-fibers greater-than-10-micrometers-in-length-are-a-health-concern-at-certain levels-of-exposure--Asbestos-is-a-naturally-occurring-mineral---Most asbestos-fibers-in-drinking-water-are-less-than-10-micrometers-in length-and-occur-in-drinking-water-from-natural-sources-and-from corroded-asbestos-cement-pipes-in-the-distribution-system--The major uses-of-asbestos-were-in-the-production-of-cement-floors-tiles-paper products-paint-and-caulking-in-transportation-related-applications-and-in-the-production-of-textiles-and-plastics--Asbestos-was-once-a popular-insulating-and-fire-retardant-material---Inhalation-studies have-shown-that-various-forms-of-asbestos-have-produced-lung-tumors-in laboratory-animals---The-available-information-on-the-risk-of developing-gastrointestinal-tract-cancer-associated-with-the-ingestion of-asbestos-from-drinking-water-is-limited--Ingestion-of intermediate-range-chrysotile-asbestos-fibers-greater-than-10 micrometers-in-length-is-associated-with-causing-benign-tumors-in-male rats--Chemicals-that-cause-cancer-in-laboratory-animals-also-may increase-the-risk-of-cancer-in-humans-who-are-exposed-over-long periods-of-time---USEPA-has-set-the-drinking-water-standard-for asbestos-at-7-million-long-fibers-per-liter-to-reduce-the-potential risk-of-cancer-or-other-adverse-health-effects-which-have-been observed-in-laboratory-animals--Drinking-water-which-meets-the-USEPA standard-is-associated-with-little-to-none-of-this-risk-and-should-be considered-safe-with-respect-to-asbestos.

16) Barium---The-United-States-Environmental-Protection-Agency-(USEPA) sets-drinking-water-standards-and-has-determined-that-barium-is-a health-concern-at-certain-levels-of-exposure--This-inorganic-chemical occurs-naturally-in-some-aquifers-that-seve-as-sources-of groundwater--It-is-also-used-in-oil-and-gas-drilling-muds-automotive printer-bricks-tiles-and-jet-fuels--It-generally-gets-into-drinking water-after-dissolving-from-naturally-occurring-minerals-in-the ground--This-chemical-may-damage-the-heart-and-vascular-system-and is-associated-with-high-blood-pressure-in-laboratory-animals-such-as rats-exposed-to-high-levels-during-their-lifetimes--In-humans-USEPA believes-that-effects-from-barium-on-blood-pressure-should-not-occur below-2-parts-per-million-(ppm)-in-drinking-water--USEPA-has-set-the drinking-water-standard-for-barium-at-2-parts-per-million-(ppm)-to protect-against-the-risk-of-these-adverse-health-effects---Drinking water-that-meets-the-USEPA-standard-is-associated-with-little-to-none of-this-risk-and-is-considered-safe-with-respect-to-barium.

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

17) Cadmium---The-United-States-Environmental-Protection-Agency-(USEPA) sets-drinking-water-standards-and-has-determined-that-cadmium-is-a health-concern-at-certain-levels-of-exposure--Food-and-the-smoking-of tobacco-are-common-sources-of-general-exposure--This-inorganic-metal is-a-contaminant-in-the-metals-used-to-galvanize-pipes--It-generally gets-into-water-by-corrosion-of-galvanized-pipes-or-by-improper-waste disposal---This-chemical-has-been-shown-to-damage-the-kidney-in animals-such-as-rats-and-mice-when-the-animals-are-exposed-at-high levels-over-their-lifetimes--Some-industrial-workers-who-were-exposed to-relatively-large-amounts-of-this-chemical-during-working-careers also-suffered-damage-to-the-kidney---USEPA-has-set-the-drinking-water standard-for-cadmium-at-0.005-parts-per-million-(ppm)-to-protect against-the-risk-of-these-adverse-health-effects--Drinking-water-that meets-the-USEPA-standard-is-associated-with-little-to-none-of-this risk-and-is-considered-safe-with-respect-to-cadmium.

18) Chromium---The-United-States-Environmental-Protection-Agency-(USEPA) sets-drinking-water-standards-and-has-determined-that-chromium-is-a health-concern-at-certain-levels-of-exposure--This-inorganic-metal occurs-naturally-in-the-ground-and-is-often-used-in-the-electroplating of-metals--It-generally-gets-into-water-from-runoff-from-old-mining operations-and-improper-waste-disposal-from-plating-operations--This chemical-has-been-shown-to-damage-the-kidney-nervous-system-and-the circulatory-system-of-laboratory-animals-such-as-rats-and-mice-when the-animals-are-exposed-at-high-levels--Some-humans-who-were-exposed to-high-levels-of-this-chemical-suffered-liver-and-kidney-damage dermatitis-and-respiratory-problems---USEPA-has-set-the-drinking water-standard-for-chromium-at-0.1-parts-per-million-(ppm)-to-protect against-the-risk-of-these-adverse-health-effects--Drinking-water-that meets-the-USEPA-standard-is-associated-with-little-to-none-of-this risk-and-is-considered-safe-with-respect-to-chromium.

19) Mercury---The-United-States-Environmental-Protection-Agency-(USEPA) sets-drinking-water-standards-and-has-determined-that-mercury-is-a health-concern-at-certain-levels-of-exposure--This-inorganic-metal-is used-in-electrical-equipment-and-some-water-pumps--It-usually-gets into-water-as-a-result-of-improper-waste-disposal--This-chemical-has been-shown-to-damage-the-kidney-of-laboratory-animals-such-as-rats when-the-animals-are-exposed-at-high-levels-over-their-lifetimes-- USEPA-has-set-the-drinking-water-standard-for-mercury-at-0.002-parts per-million-(ppm)-to-protect-against-the-risk-of-these-adverse-health effects---Drinking-water-that-meets-the-USEPA-standard-is-associated with-little-to-none-of-this-risk-and-is-considered-safe-with-respect to-mercury.

20) Nitrate---The-United-States-Environmental-Protection-Agency-(USEPA) sets-drinking-water-standards-and-has-determined-that-nitrate-poses-an acute-health-concern-at-certain-levels-of-exposure--Nitrate-is-used in-fertilizer-and-is-found-in-sewage-and-wastes-from-human-or-farm animal-and-generally-gets-into-drinking-water-from-those-activities-- Excessive-levels-of-nitrate-in-drinking-water-have-caused-serious

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

illness-and-sometimes-death-in-infants-under-six-months-of-age---The serious-illness-in-infants-is-caused-because-nitrate-is-converted-to nitrite-in-the-body---Nitrite-interferes-with-the-oxygen-carrying capacity-of-the-child's-blood---This-is-an-acute-disease-in-that symptoms-can-develop-rapidly-in-infants---In-most-cases-health deteriorates-over-a-period-of-days---Clearly-expert-medical-advice should-be-sought-immediately-if-these-symptoms-occur---The-purpose-of this-notice-is-to-encourage-parents-and-other-responsible-parties-to provide-infants-with-an-alternate-source-of-drinking-water---Local-and State-health-authorities-are-the-best-source-for-information concerning-alternate-sources-of-drinking-water-for-infants---USEPA-has set-the-drinking-water-standard-at-10-parts-per-million-(ppm)--for nitrate-to-protect-against-the-risk-of-these-adverse-effects---USEPA has-also-set-a-drinking-water-standard-for-nitrite-at-1-ppm--to-allow for-the-fact-that-the-toxicity-of-nitrate-and-nitrite-are-additive---USEPA-has-also-established-a-standard-for-the-sum-of-nitrate-and nitrite-at-10-ppm---Drinking-water-that-meets-the-USEPA-standard-is associated-with-little-to-none-of-this-risk-and-is-considered-safe with-respect-to-nitrate.

24) Nitrite---The-United-States-Environmental-Protection-Agency-(USEPA) sets-drinking-water-standards-and-has-determined-that-nitrite-poses-an acute-health-concern-at-certain-levels-of-exposure---This-inorganic chemical-is-used-in-fertilizers-and-is-found-in-sewage-and-wastes-from humans-or-farm-animals-and-generally-gets-into-drinking-water-as-a result-of-those-activities---While-excessive-levels-of-nitrite-in drinking-water-have-not-been-observed, other-sources-of-nitrite-have caused-serious-illness-and-sometimes-death-in-infants-under-six-months of-age---The-serious-illness-in-infants-is-caused-because-nitrite interferes-with-the-oxygen-carrying-capacity-of-the-child's-blood- this-is-an-acute-disease-in-that-symptoms-can-develop-rapidly- However,-in-most-cases-health-deteriorates-over-a-period-of-days- Symptoms-include-shortness-of-breath-and-blisters-of-the-skin- Clearly-expert-medical-advice-should-be-sought-immediately-if-these symptoms-occur---The-purpose-of-this-notice-is-to-encourage-parents and-other-responsible-parties-to-provide-infants-with-an-alternate source-of-drinking-water---Local-and-State-health-authorities-are-the best-source-for-information-concerning-alternate-sources-of-drinking water---for-infants---USEPA-has-set-the-drinking-water-standard-at-1 part-per-million-(ppm)-for-nitrite-to-protect-against-the-risk-of these-adverse-effects---USEPA-has-also-set-a-drinking-water-standard for-nitrate-(converted-to-nitrite-in-humans)-at-10-ppm-and-for-the-sum of-nitrate-and-nitrite-at-10-ppm---Drinking-water-that-meets-the-USEPA standard-is-associated-with-little-to-none-of-this-risk-and-is considered-safe-with-respect-to-nitrite.

25) Selenium---The-United-States-Environmental-Protection-Agency-(USEPA) sets-drinking-water-standards-and-has-determined-that-selenium-is-a health-concern-at-certain-high-levels-of-exposure---Selenium-is-also

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

an-essential-nutrient-at-low-levels-of-exposure---This-inorganic chemical-is-found-naturally-in-food-and-soils-and-is-used-in electrocotesy-photocopy-operations---the-manufacture-of-glass chemicals-drugs-and-as-a-fungicide-and-a-feed-additive---In-humans exposure-to-high-levels-of-selenium-over-a-long-period-of-time-has resulted-in-a-number-of-adverse-health-effects-including-a-loss-of feeling-and-control-in-the-arms-and-legs---USEPA-has-set-the-drinking water-standard-for-selenium-at-0.05-parts-per-million-(ppm)-to-protect against-the-risk-of-these-adverse-health-effects---Drinking-water-that meets-the-USEPA-standard-is-associated-with-little-to-none-of-this risk-and-is-considered-safe-with-respect-to-selenium.

23) Acrylamide---The-United-States-Environmental-Protection-Agency-(USEPA) sets-drinking-water-standards-and-has-determined-that-acrylamide-is-a health-concern-at-certain-levels-of-exposure---Polymers-made-from acrylamide-are-sometimes-used-to-treat-water-supplies-to-remove particulate-contaminants---Acrylamide-has-been-shown-to-cause-cancer in-laboratory-animals-such-as-rats-and-mice-when-the-animals-are exposed-at-high-levels-over-their-lifetimes---Chemicals-that-cause cancer-in-laboratory-animals-also-may-increase-the-risk-of-cancer-in humans-who-are-exposed-over-long-periods-of-time---Sufficiently-large doses-of-acrylamide-are-known-to-cause-neurological-injury---USEPA-has set-the-drinking-water-standard-for-acrylamide-using-a-treatment technique-to-reduce-the-risk-of-cancer-or-other-adverse-health-effects which-have-been-observed-in-laboratory-animals---This-treatment technique-links-the-amount-of-acrylamide-in-the-polymer-and-the amount-of-the-polymer-which-may-be-added-to-drinking-water-to-remove particulates---Drinking-water-systems-which-comply-with-this-treatment technique-have-little-to-no-risk-and-are-considered-safe-with-respect to-acrylamide.

24) Atrachlor---The-United-States-Environmental-Protection-Agency-(USEPA) sets-drinking-water-standards-and-has-determined-that-atrachlor-is-a health-concern-at-certain-levels-of-exposure---This-organic-chemical is-a-widely-used-pesticide-when-soil-and-climatic-conditions-are favorable-atrachlor-may-get-into-drinking-water-by-runoff-into-surface water-or-by-leaching-into-groundwater---This-chemical-has-been-shown to-cause-cancer-in-laboratory-animals-such-as-rats-and-mice-when-the animals-are-exposed-at-high-levels-over-their-lifetimes---Chemicals that-cause-cancer-in-laboratory-animals-also-may-increase-the-risk-of cancer-in-humans-who-are-exposed-over-long-periods-of-time---USEPA-has set-the-drinking-water-standard-for-atrachlor-at-0.02-parts-per million-(ppm)-to-reduce-the-risk-of-cancer-or-other-adverse-health effects-which-have-been-observed-in-laboratory-animals---Drinking water-that-meets-this-standard-is-associated-with-little-to-none-of this-risk-and-is-considered-safe-with-respect-to-atrachlor.

25) Aldicarb---The-United-States-Environmental-Protection-Agency-(USEPA) sets-drinking-water-standards-and-has-determined-that-aldicarb-is-a health-concern-at-certain-levels-of-exposure---Aldicarb-is-a-widely used-pesticide---Under-certain-soil-and-climatic-conditions-(e.g.,



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

sandy soil--and high rainfall--aidcarb may leach into groundwater after normal agricultural applications to crops such as potatoes or peanuts--or may enter drinking water supplies as a result of surface runoff--This chemical has been shown to damage the nervous system in laboratory animals--such as rats--and dogs--exposed to high levels--USPPA has set the drinking water standard for aidcarb at 0.003 parts per million (ppm) to reduce the risk of adverse health effects--Brinking water that meets this standard is associated with little to none of this risk and is considered safe with respect to aidcarb--

26) Aidcarb-sulfone--The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that aidcarb sulfone is a health concern at certain levels of exposure--Aidcarb is a widely used pesticide--Aidcarb-sulfone in groundwater is primarily a breakdown product of aidcarb--Under certain soil and climatic conditions--(e.g., sandy soil and high rainfall)--aidcarb sulfone may leach into groundwater--after normal agricultural applications--to crops--such as potatoes--or peanuts--or may enter drinking water supplies as a result of surface runoff--This chemical has been shown to damage the nervous system in laboratory animals--such as rats--and dogs--exposed to high levels--USPPA has set the drinking water standard for aidcarb-sulfone at 0.004 parts per million (ppm) to reduce the risk of adverse health effects--Brinking water that meets this standard is associated with little to none of this risk and is considered safe with respect to aidcarb-sulfone--

27) Aidcarb-sulfone--The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that aidcarb sulfone is a health concern at certain levels of exposure--Aidcarb is a widely used pesticide--Aidcarb-sulfone in groundwater is primarily a breakdown product of aidcarb--Under certain soil and climatic conditions--(e.g., sandy soil and high rainfall)--aidcarb sulfone may leach into groundwater--after normal agricultural applications--to crops--such as potatoes--or peanuts--or may enter drinking water supplies as a result of surface runoff--This chemical has been shown to damage the nervous system in laboratory animals--such as rats--and dogs--exposed to high levels--USPPA has set the drinking water standard for aidcarb-sulfone at 0.003 parts per million (ppm) to reduce the risk of adverse health effects--Brinking water that meets this standard is associated with little to none of this risk and is considered safe with respect to aidcarb-sulfone--

28) Atrazine--The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that atrazine is a health concern at certain levels of exposure--This organic chemical is a herbicide--When soil and climatic conditions are favorable atrazine may get into drinking water by runoff into surface water--or by leaching into groundwater--This chemical has been shown to affect offspring of rats and the hearts of dogs--USPPA has set the drinking water standard for atrazine at 0.003 parts per million (ppm) to protect against the risk of these adverse health effects--Brinking

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

water--that meets the USPPA standard is associated with little to none of this risk and is considered safe with respect to atrazine--

29) Carbofuran--The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that carbofuran is a health concern at certain levels of exposure--This organic chemical is a pesticide--When soil and climatic conditions are favorable carbofuran may get into drinking water by runoff into surface water--or by leaching into groundwater--This chemical has been shown to damage the nervous and reproductive systems of laboratory animals--such as rats--and mice--exposed at high levels over their lifetimes--Some humans who were exposed to relatively large amounts of this chemical during their working careers also suffered damage to the nervous system--Effects on the nervous system are generally rapidly reversible--USPPA has set the drinking water standard for carbofuran at 0.04 parts per million (ppm) to protect against the risk of these adverse health effects--Brinking water that meets the USPPA standard is associated with little to none of this risk and is considered safe with respect to carbofuran--

30) Chlordane--The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that chlordane is a health concern at certain levels of exposure--This organic chemical is a pesticide used to control termites--Chlordane is not very mobile in soils--it usually gets into drinking water after application near water supply intakes or wells--This chemical has been shown to cause cancer in laboratory animals--such as rats--and mice--when the animals are exposed at high levels over their lifetimes--Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed over long periods of time--USPPA has set the drinking water standard for chlordane at 0.002 parts per million (ppm) to reduce the risk of cancer or other adverse health effects which have been observed in laboratory animals--Brinking water that meets the USPPA standard is associated with little to none of this risk and is considered safe with respect to chlordane--

31) Dibromochloropropane (DBCP)--The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that DBCP is a health concern at certain levels of exposure--This organic chemical was once a popular pesticide--When soil and climatic conditions are favorable DBCP may get into drinking water by runoff into surface water or by leaching into groundwater--This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes--Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed over long periods of time--USPPA has set the drinking water standard for DBCP at 0.0002 parts per million (ppm) to reduce the risk of cancer or other adverse health effects which have been observed in laboratory animals--Brinking water that meets the USPPA standard is associated with little to none of this risk and is considered safe with respect



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

to-BBEP-

32) o-Dichlorobenzene---The United States Environmental Protection Agency (USEPA)---sets drinking water standards and has determined that o-dichlorobenzene is a health concern at certain levels of exposure. This organic chemical is used as a solvent and pesticide in the production of pesticides and dyes. It generally gets into water by improper waste disposal. This chemical has been shown to damage the liver, kidney and the blood cells of laboratory animals such as rats and mice exposed to high levels during their lifetimes. Some industrial workers who were exposed to relatively large amounts of this chemical during working careers also suffered damage to the liver, nervous system and circulatory system. USEPA has set the drinking water standard for o-dichlorobenzene at 0.6 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA standard is associated with little to none of this risk and is considered safe with respect to o-dichlorobenzene.

33) cis-1,2-Dichloroethylene---The United States Environmental Protection Agency (USEPA) establishes drinking water standards and has determined that cis-1,2-dichloroethylene is a health concern at certain levels of exposure. This organic chemical is used as a solvent and intermediate in chemical production. It generally gets into water by improper waste disposal. This chemical has been shown to damage the liver, nervous system and circulatory system of laboratory animals such as rats and mice when exposed at high levels over their lifetimes. Some humans who were exposed to relatively large amounts of this chemical also suffered damage to the nervous system. USEPA has set the drinking water standard for cis-1,2-dichloroethylene at 0.07 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA standard is associated with little to none of this risk and is considered safe with respect to cis-1,2-dichloroethylene.

34) trans-1,2-Dichloroethylene---The United States Environmental Protection Agency (USEPA) establishes drinking water standards and has determined that trans-1,2-dichloroethylene is a health concern at certain levels of exposure. This organic chemical is used as a solvent and intermediate in chemical production. It generally gets into water by improper waste disposal. This chemical has been shown to damage the liver, nervous system and the circulatory system of laboratory animals such as rats and mice when exposed at high levels over their lifetimes. Some humans who were exposed to relatively large amounts of this chemical also suffered damage to the nervous system. USEPA has set the drinking water standard for trans-1,2-dichloroethylene at 0.1 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA standard is associated with little to none of this risk and is considered safe with respect to trans-1,2-dichloroethylene.

35) 1,2-Dichloropropane---The United States Environmental Protection

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

Agency (USEPA) sets drinking water standards and has determined that 1,2-dichloropropane is a health concern at certain levels of exposure. This organic chemical is used as a solvent and pesticide. When soil and climatic conditions are favorable, 1,2-dichloropropane may get into drinking water by runoff into surface water or by leaching into groundwater. It may also get into drinking water through improper waste disposal. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed over long periods of time. USEPA has set the drinking water standard for 1,2-dichloropropane at 0.005 parts per million (ppm) to reduce the risk of cancer or other adverse health effects which have been observed in laboratory animals. Drinking water that meets the USEPA standard is associated with little to none of this risk and is considered safe with respect to 1,2-dichloropropane.

36) 2,4-D---This contaminant is subject to an additional State requirement. The supplier shall give the following notice if the level exceeds the Section 611-311-MB5: If the level exceeds the Section 611-310-MB5, but not that of Section 611-311, the supplier shall give a general notice under Section 611-854.

The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that 2,4-D is a health concern at certain levels of exposure. This organic chemical is used as a herbicide and to control algae in reservoirs. When soil and climatic conditions are favorable, 2,4-D may get into drinking water by runoff into surface water or by leaching into groundwater. This chemical has been shown to damage the liver and kidney of laboratory animals such as rats exposed at high levels during their lifetimes. Some humans who were exposed to relatively large amounts of this chemical also suffered damage to the nervous system. USEPA has set the drinking water standard for 2,4-D at 0.07 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA standard is associated with little to none of this risk and is considered safe with respect to 2,4-D.

37) Epichlorohydrin---The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that epichlorohydrin is a health concern at certain levels of exposure. Polymers made from epichlorohydrin are sometimes used in the treatment of water supplies as a flocculant to remove particulates. Epichlorohydrin generally gets into drinking water by improper use of these polymers. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed over long periods of time. USEPA has set the drinking water standard for epichlorohydrin using a treatment technique to reduce the risk of cancer or other adverse health effects which have

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

been observed in laboratory animals. This treatment technique limits the amount of epichlorohydrin in the polymer and the amount of the polymer which may be added to drinking water as a flocculent to remove particulates. Drinking water systems which comply with this treatment technique have little to no risk and are considered safe with respect to epichlorohydrin.

38) Ethylbenzene. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined ethylbenzene is a health concern at certain levels of exposure. This organic chemical is a major component of gasoline. It generally gets into water by improper waste disposal or leaking gasoline tanks. This chemical has been shown to damage the kidney, liver and nervous system of laboratory animals such as rats exposed to high levels during their lifetimes. USEPA has set the drinking water standard for ethylbenzene at 0.7 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA standard is associated with little to none of this risk and is considered safe with respect to ethylbenzene.

39) Ethylene dibromide (EBB). The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that EBB is a health concern at certain levels of exposure. This organic chemical was once a popular pesticide. When soil and climatic conditions are favorable EBB may get into drinking water by runoff into surface water or by leaching into groundwater. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed over long periods of time. USEPA has set the drinking water standard for EBB at 0.0005 parts per million (ppm) to reduce the risk of cancer of other adverse health effects which have been observed in laboratory animals. Drinking water that meets this standard is associated with little to none of this risk and is considered safe with respect to EBB.

40) Heptachlor. This contaminant is subject to an additional State requirement. The supplier shall give the following notice if the level exceeds the Section 611-311-MCH. If the level exceeds the Section 611-310-MCH but not that of Section 611-311, the supplier shall give a general notice under Section 611-854.

The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that heptachlor is a health concern at certain levels of exposure. This organic chemical was once a popular pesticide. When soil and climatic conditions are favorable heptachlor may get into drinking water by runoff into surface water or by leaching into groundwater. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed over long periods of

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

time. USEPA has set the drinking water standards for heptachlor at 0.004 parts per million (ppm) to reduce the risk of cancer or other adverse health effects which have been observed in laboratory animals. Drinking water that meets this standard is associated with little to none of this risk and is considered safe with respect to heptachlor. Heptachlor epoxide. This contaminant is subject to an additional State requirement. The supplier shall give the following notice if the level exceeds the Section 611-311-MCH. If the level exceeds the Section 611-310-MCH but not that of Section 611-311, the supplier shall give a general notice under Section 611-854.

The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that heptachlor epoxide is a health concern at certain levels of exposure. This organic chemical was once a popular pesticide. When soil and climatic conditions are favorable heptachlor epoxide may get into drinking water by runoff into surface water or by leaching into groundwater. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed over long periods of time. USEPA has set the drinking water standards for heptachlor epoxide at 0.002 parts per million (ppm) to reduce the risk of cancer or other adverse health effects which have been observed in laboratory animals. Drinking water that meets this standard is associated with little to none of this risk and is considered safe with respect to heptachlor epoxide.

42) Lindane. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that lindane is a health concern at certain levels of exposure. This organic chemical is used as a pesticide. When soil and climatic conditions are favorable lindane may get into drinking water by runoff into surface water or by leaching into groundwater. This chemical has been shown to damage the liver, kidney, nervous system and immune system of laboratory animals such as rats, mice and dogs exposed at high levels during their lifetimes. Some humans who were exposed to relatively large amounts of this chemical also suffered damage to the nervous system and circulatory system. USEPA has established the drinking water standard for lindane at 0.002 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA standard is associated with little to none of this risk and is considered safe with respect to lindane.

43) Methoxychlor. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that methoxychlor is a health concern at certain levels of exposure. This organic chemical is used as a pesticide. When soil and climatic conditions are favorable methoxychlor may get into drinking water by runoff into surface water or by leaching into groundwater. This chemical has been shown to damage the liver, kidney, nervous system



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

and reproductive system of laboratory animals such as rats exposed at high levels during their lifetimes. It has also been shown to produce growth retardation in rats. USEPA has set the drinking water standard for methoxychlor at 0.04 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA standard is associated with little to none of this risk and is considered safe with respect to methoxychlor.

44) Monochlorobenzene. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that monochlorobenzene is a health concern at certain levels of exposure. This organic chemical is used as a solvent. It generally gets into water by improper waste disposal. This chemical has been shown to damage the liver, kidney and nervous system of laboratory animals such as rats and mice exposed to high levels during their lifetimes. USEPA has set the drinking water standard for monochlorobenzene at 0.1 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA standard is associated with little to none of this risk and is considered safe with respect to monochlorobenzene.

45) Polychlorinated biphenyls (PCBs). The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that polychlorinated biphenyls (PCBs) are a health concern at certain levels of exposure. These organic chemicals were once widely used in electrical transformers and other industrial equipment. They generally get into drinking water by improper waste disposal or leaking electrical industrial equipment. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed over long periods of time. USEPA has set the drinking water standard for PCBs at 0.0005 parts per million (ppm) to reduce the risk of cancer or other adverse health effects which have been observed in laboratory animals. Drinking water that meets this standard is associated with little to none of this risk and is considered safe with respect to PCBs.

46) Pentachlorophenol. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that pentachlorophenol is a health concern at certain levels of exposure. This organic chemical is widely used as a wood preservative, herbicide, disinfectant and defoliant. It generally gets into drinking water by runoff into surface water or leaching into groundwater. This chemical has been shown to produce adverse reproductive effects and to damage the liver and kidneys of laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Some humans who were exposed to relatively large amounts of this chemical also suffered damage to the liver and kidneys. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

at high levels over their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed over long periods of time. USEPA has set the drinking water standard for pentachlorophenol at 0.001 parts per million (ppm) to reduce the risk of adverse health effects. Drinking water that meets this standard is associated with little to none of this risk and is considered safe with respect to pentachlorophenol.

47) Styrene. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that styrene is a health concern at certain levels of exposure. This organic chemical is commonly used to make plastics and is sometimes a component of resins used for drinking water treatment. Styrene may get into drinking water from improper waste disposal. This chemical has been shown to damage the liver and nervous system in laboratory animals when exposed at high levels during their lifetimes. USEPA has set the drinking water standard for styrene at 0.1 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA standard is associated with little to none of this risk and is considered safe with respect to styrene.

48) Tetrachloroethylene. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that tetrachloroethylene is a health concern at certain levels of exposure. This organic chemical has been a popular solvent, particularly for dry cleaning. It generally gets into drinking water by improper waste disposal. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed over long periods of time. USEPA has set the drinking water standard for tetrachloroethylene at 0.005 parts per million (ppm) to reduce the risk of cancer or other adverse health effects which have been observed in laboratory animals. Drinking water that meets this standard is associated with little to none of this risk and is considered safe with respect to tetrachloroethylene.

49) Toluene. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that toluene is a health concern at certain levels of exposure. This organic chemical is used as a solvent and in the manufacture of gasoline for airplanes. It generally gets into water by improper waste disposal or leaking underground storage tanks. This chemical has been shown to damage the kidney, nervous system and circulatory system of laboratory animals such as rats and mice exposed to high levels during their lifetimes. Some industrial workers who were exposed to relatively large amounts of this chemical during working careers also suffered damage to the liver, kidney and nervous system. USEPA has set the drinking water standard for toluene at 1 part per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA standard is associated with little to none of this risk and

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

is considered safe with respect to toluene.  
 50† Toluene. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that toluene is a health concern at certain levels of exposure. This organic chemical was once a pesticide widely used on cotton, corn, soybeans, pineapples, and other crops. When soil and climatic conditions are favorable, toluene may get into drinking water by runoff into surface water or by leaching into groundwater. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals that caused cancer in laboratory animals also may increase the risk of cancer in humans who are exposed over long periods of time. USEPA has set the drinking water standard for toluene at 0.003 parts per million (ppm) to reduce the risk of cancer or other adverse health effects which have been observed in laboratory animals. Drinking water that meets this standard is associated with little to none of this risk and is considered safe with respect to toluene.  
 51† 2,4,5-TP. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that 2,4,5-TP is a health concern at certain levels of exposure. This organic chemical is used as a herbicide. When soil and climatic conditions are favorable, 2,4,5-TP may get into drinking water by runoff into surface water or by leaching into groundwater. This chemical has been shown to damage the liver and kidney of laboratory animals such as rats and dogs exposed to high levels during their lifetimes. Some industrial workers who were exposed to relatively large amounts of this chemical during working careers also suffered damage to the nervous system. USEPA has set the drinking water standard for 2,4,5-TP at 0.05 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA standard is associated with little to none of this risk and is considered safe with respect to 2,4,5-TP.

52† Xylenes. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that xylene is a health concern at certain levels of exposure. This organic chemical is used in the manufacture of gasoline for airplanes and as a solvent for pesticides and as a cleaner and degreaser of metals. It usually gets into water by improper waste disposal. This chemical has been shown to damage the liver, kidney, and nervous system of laboratory animals such as rats and dogs exposed to high levels during their lifetimes. Some humans who were exposed to relatively large amounts of this chemical also suffered damage to the nervous system. USEPA has set the drinking water standard for xylene at 10 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA standard is associated with little to none of this risk and is considered safe with respect to xylene.  
 53† Antimony. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that antimony is a

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

health concern at certain levels of exposure. This inorganic chemical occurs naturally in soils, ground water, and surface water and is often used in the flame retardant industry. It is also used in ceramics and glass, batteries, fireworks, and explosives. It may get into drinking water through natural weathering of rock, industrial production, municipal waste disposal, or manufacturing processes. This chemical has been shown to decrease longevity and altered blood levels of cholesterol and glucose in laboratory animals such as rats exposed to high levels during their lifetimes. USEPA has set the drinking water standard for antimony at 0.006 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA standard is associated with little to none of this risk and is considered safe with respect to antimony.

54† Beryllium. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that beryllium is a health concern at certain levels of exposure. This inorganic chemical occurs naturally in soils, groundwater, and surface water and is often used in electrical equipment and electrical components. It generally gets into water from runoff from mining operations, discharge from processing plants, and improper waste disposal. Beryllium compounds have been associated with damage to the bones and lungs and induction of cancer in laboratory animals such as rats and mice when the animals are exposed to high levels during their lifetimes. There is limited evidence to suggest that beryllium may pose a cancer risk via drinking water exposure. Therefore, USEPA based the health assessment on possible carcinogenicity. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed over long periods of time. USEPA has set the drinking water standard for beryllium at 0.004 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA standard is associated with little to none of this risk and is considered safe with respect to beryllium.

55† Cyanide. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that cyanide is a health concern at certain levels of exposure. This inorganic chemical is used in electroplating, steel processing, plastics, synthetic fabrics, and fertilizer products. It usually gets into water as a result of improper waste disposal. This chemical has been shown to damage the spleen, brain, and liver of humans, fatally poisoned with cyanide. USEPA has set the drinking water standard for cyanide at 0.2 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA standard is associated with little to none of this risk and is considered safe with respect to cyanide.

56† Nickel. This subsection corresponds with 40 CFR 141.33(e)(56) marked "reserved" by USEPA. This statement maintains structural consistency with USEPA rules.



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

57) Thallium---The United States Environmental Protection Agency--(USEPA) sets drinking water standards and has determined that thallium is a health concern at certain high levels of exposure---this inorganic chemical occurs naturally in soils, groundwater, and surface water and is used in electronics, pharmaceuticals, and the manufacture of glass and alloys---this chemical has been shown to damage the kidney, liver, brain, and intestines of laboratory animals when the animals are exposed to high levels during their lifetimes---USEPA has set the drinking water standard for thallium at 0.002 parts per million (ppm) to protect against the risk of these adverse health effects---Drinking water that meets the USEPA standard is associated with little to none of this risk and is considered safe with respect to thallium.

58) Benzo(a)pyrene---The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that benzo(a)pyrene is a health concern at certain levels of exposure---cigarette smoke and charbroiled meats are common sources of general exposure---The major source of benzo(a)pyrene in drinking water is the leaching from coal tar lining and sealants in water storage tanks and mice when the animals are exposed to high levels---USEPA has set the drinking water standard for benzo(a)pyrene at 0.0002 parts per million (ppm) to protect against the risk of cancer---Drinking water that meets the USEPA standard is associated with little to none of this risk and is considered safe with respect to benzo(a)pyrene.

59) Dieldrin---The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that dieldrin is a health concern at certain levels of exposure---this organic chemical is a widely used herbicide---it may get into drinking water after application to control grasses in crops, drainage ditches, and along railroad tracks---this chemical has been associated with damage to the kidney and liver in laboratory animals when the animals are exposed to high levels during their lifetimes---USEPA has set the drinking water standard for dieldrin at 0.2 parts per million (ppm) to protect against the risk of these adverse health effects---Drinking water that meets the USEPA standard is associated with little to none of this risk and is considered safe with respect to dieldrin.

60) Dichloromethane---The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that dichloromethane (methylene chloride) is a health concern at certain levels of exposure---this organic chemical is widely used as a solvent and as an aerosol propellant---it generally gets into water after improper discharge of waste disposal---this chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed to high levels during their lifetimes---Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed over long periods of time---USEPA has set the drinking water standard for dichloromethane at 0.005 parts

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

per million (ppm) to protect against the risk of cancer or other adverse health effects---Drinking water that meets the USEPA standard is associated with little to none of this risk and is considered safe with respect to dichloromethane.

61) Bis(2-ethylhexyl)adipate---The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that bis(2-ethylhexyl)adipate is a health concern at certain levels of exposure---Bis(2-ethylhexyl)adipate is a widely used plasticizer in a variety of products, including synthetic rubber, food packaging material, and cosmetics---it may get into drinking water after improper waste disposal---this chemical has been shown to damage the liver and tests in laboratory animals such as rats and mice when the animals are exposed to high levels---USEPA has set the drinking water standard for bis(2-ethylhexyl)adipate at 0.4 parts per million (ppm) to protect against the risk of adverse health effects that have been observed in laboratory animals---Drinking water that meets the USEPA standard is associated with little to none of this risk and is considered safe with respect to bis(2-ethylhexyl)adipate.

62) Bis(2-ethylhexyl)phthalate---The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that bis(2-ethylhexyl)phthalate is a health concern at certain levels of exposure---Bis(2-ethylhexyl)phthalate is a widely used plasticizer which is primarily used in the production of polyvinyl chloride (PVC) resins---it may get into drinking water after improper waste disposal---this chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed to high levels during their lifetimes---USEPA has set the drinking water standard for bis(2-ethylhexyl)phthalate at 0.006 parts per million (ppm) to protect against the risk of cancer or other adverse health effects which have been observed in laboratory animals---Drinking water that meets the USEPA standard is associated with little to none of this risk and is considered safe with respect to bis(2-ethylhexyl)phthalate.

63) Binosol---The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that dinoseb is a health concern at certain levels of exposure---Dinoseb is a widely used pesticide and generally gets into water after application on orchards, vineyards, and other crops---this chemical has been shown to damage the thyroid and reproductive organs in laboratory animals such as rats exposed to high levels---USEPA has set the drinking water standard for dinoseb at 0.007 parts per million (ppm) to protect against the risk of these adverse health effects---Drinking water that meets the USEPA standard is associated with little to none of this risk and is considered safe with respect to dinoseb.

64) Diquat---The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that diquat is a health concern at certain levels of exposure---this organic chemical is a herbicide used to control terrestrial and aquatic weeds---it may get into drinking water by runoff into surface water---this chemical



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

has been shown to damage the liver, kidney and gastrointestinal tract and causes cataract formation in laboratory animals such as dogs and rats exposed at high levels over their lifetimes. USBPA has set the drinking water standard for diaquat at 0.02 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USBPA standard is associated with little to none of this risk and is considered safe with respect to diaquat.

65) Endothalil. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that endothalil is a health concern at certain levels of exposure. This organic chemical is a herbicide used to control terrestrial and aquatic weeds. It may get into drinking water by runoff into surface water. This chemical has been shown to damage the liver, kidney, gastrointestinal tract and reproductive system of laboratory animals such as rats and mice exposed at high levels over their lifetimes. USBPA has set the drinking water standard for endothalil at 1 part per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USBPA standard is associated with little to none of this risk and is considered safe with respect to endothalil.

66) Endrin. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that endrin is a health concern at certain levels of exposure. This organic chemical is a pesticide no longer registered for use in the United States. However, this pesticide is persistent in treated soils and accumulates in sediments and aquatic and terrestrial biota. This chemical has been shown to cause damage to the liver, kidney and heart in laboratory animals such as rats and mice when the animals are exposed to high levels during their lifetimes. USBPA has set the drinking water standard for endrin at 0.002 parts per million (ppm) to protect against the risk of these adverse health effects that have been observed in laboratory animals. Drinking water that meets the USBPA standard is associated with little to none of this risk and is considered safe with respect to endrin.

67) Glyphosate. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that glyphosate is a health concern at certain levels of exposure. This organic chemical is a herbicide used to control grasses and weeds. It may get into drinking water by runoff into surface water. This chemical has been shown to cause damage to the liver and kidneys in laboratory animals such as rats and mice when the animals are exposed to high levels during their lifetimes. USBPA has set the drinking water standard for glyphosate at 0.7 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USBPA standard is associated with little to none of this risk and is considered safe with respect to glyphosate.

68) Hexachlorobenzene. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that hexachlorobenzene is a health concern at certain levels of exposure.

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

This organic chemical is produced as an impurity in the manufacture of certain solvents and pesticides. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed to high levels during their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed over long periods of time. USBPA has set the drinking water standard for hexachlorobenzene at 0.001 parts per million (ppm) to protect against the risk of cancer and other adverse health effects. Drinking water that meets the USBPA standard is associated with little to none of this risk and is considered safe with respect to hexachlorobenzene.

69) Hexachlorocyclopentadiene. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that hexachlorocyclopentadiene is a health concern at certain levels of exposure. This organic chemical is used as an intermediate in the manufacture of pesticides and flame retardants. It may get into water by discharge from production facilities. This chemical has been shown to damage the kidney and the stomach of laboratory animals when exposed to high levels during their lifetimes. USBPA has set the drinking water standard for hexachlorocyclopentadiene at 0.05 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USBPA standard is associated with little to none of this risk and is considered safe with respect to hexachlorocyclopentadiene.

70) Oxamyl. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that oxamyl is a health concern at certain levels of exposure. This organic chemical is used as a pesticide for the control of insects and other pests. It may get into drinking water by runoff into surface water or leaching into groundwater. This chemical has been shown to damage the kidneys of laboratory animals such as rats when exposed at high levels during their lifetimes. USBPA has set the drinking water standard for oxamyl at 0.2 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USBPA standard is associated with little to none of this risk and is considered safe with respect to oxamyl.

71) Pictoram. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that pictoram is a health concern at certain levels of exposure. This organic chemical is used as a pesticide for broadleaf weed control. It may get into drinking water by runoff into surface water or leaching into groundwater as a result of pesticide application and improper disposal. This chemical has been shown to cause damage to the kidneys and liver in laboratory animals such as rats when the animals are exposed to high levels during their lifetimes. USBPA has set the drinking water standard for pictoram at 0.5 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USBPA standard is associated with little to none

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

of this risk and is considered safe with respect to picrotin.  
 72) Simazine--The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that simazine is a health concern at certain levels of exposure. This organic chemical is a herbicide used to control annual grasses and broadleaf weeds. It may leach into groundwater or run off into surface water after application. This chemical may cause cancer in laboratory animals such as rats and mice when the animals are exposed to high levels during their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed over long periods of time. USEPA has set the drinking water standard for simazine at 0.004 parts per million (ppm) to reduce the risk of cancer or adverse health effects. Drinking water that meets the USEPA standard is associated with little to none of this risk and is considered safe with respect to simazine.

73) 1,2,4-Trichlorobenzene--The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that 1,2,4-trichlorobenzene is a health concern at certain levels of exposure. This organic chemical is used as a dye carrier and as a precursor in pesticide manufacture. It generally gets into drinking water by discharge from industrial activities. This chemical has been shown to cause damage to several organs, including the adrenal glands. USEPA has set the drinking water standard for 1,2,4-trichlorobenzene at 0.07 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA standard is associated with little to none of this risk and is considered safe with respect to 1,2,4-trichlorobenzene.

74) 1,1,2-Trichloroethane--The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that 1,1,2-trichloroethane is a health concern at certain levels of exposure. This organic chemical is an intermediate in the production of 1,1-dichloroethylene. It generally gets into water by industrial discharge of wastes. This chemical has been shown to damage the kidney and liver of laboratory animals such as rats exposed to high levels during their lifetimes. USEPA has set the drinking water standard for 1,1,2-trichloroethane at 0.005 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA standard is associated with little to none of this risk and is considered safe with respect to 1,1,2-trichloroethane.

75) 2,3,7,8-TCDF (dioxin)--The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that dioxin is a health concern at certain levels of exposure. This organic chemical is an impurity in the production of some pesticides. It may get into drinking water by industrial discharge of wastes. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed to high levels during their lifetimes. Chemicals that cause cancer in laboratory

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

animals also may increase the risk of cancer in humans who are exposed over long periods of time. USEPA has set the drinking water standard for dioxin at 0.0000003 parts per million (ppm) to protect against the risk of cancer or other adverse health effects. Drinking water that meets the USEPA standard is associated with little to none of this risk and is considered safe with respect to dioxin.

76) Chlorine--The USEPA sets drinking water standards and has determined that chlorine is a health concern at certain levels of exposure. Chlorine is added to drinking water as a disinfectant to kill bacteria and other disease-causing microorganisms and is also added to provide continuous disinfection throughout the distribution system. Disinfection is required for surface water systems. However, at high doses for extended periods of time, chlorine has been shown to affect blood and the liver in laboratory animals. USEPA has set a drinking water standard for chlorine to protect against the risk of these adverse effects. Drinking water which meets this USEPA standard is associated with little to none of this risk and should be considered safe with respect to chlorine.

77) Chloramines--The USEPA sets drinking water standards and has determined that chloramines are a health concern at certain levels of exposure. Chloramines are added to drinking water as a disinfectant to kill bacteria and other disease-causing microorganisms and are also added to provide continuous disinfection throughout the distribution system. Disinfection is required for surface water systems. However, at high doses for extended periods of time, chloramines have been shown to affect blood and the liver in laboratory animals. USEPA has set a drinking water standard for chloramines to protect against the risk of these adverse effects. Drinking water which meets this USEPA standard is considered safe with respect to chloramines.

78) Chlorine dioxide--The USEPA sets drinking water standards and has determined that chlorine dioxide is a health concern at certain levels of exposure. Chlorine dioxide is used in water treatment to kill bacteria and other disease-causing microorganisms and can be used to control tastes and odors. Disinfection is required for surface water systems. However, at high doses, chlorine dioxide treated drinking water has been shown to affect blood in laboratory animals. Also, high levels of chlorine dioxide given to laboratory animals in drinking water have been shown to cause neurological effects on the developing nervous system. These neurodevelopmental effects may occur as a result of a short-term excessive chlorine dioxide exposure. To protect against such potentially harmful exposures, USEPA requires chlorine dioxide monitoring at the treatment plant, where disinfection occurs, and at representative points in the distribution system serving water users. USEPA has set a drinking water standard for chlorine dioxide to protect against the risk of these adverse effects. Noted in addition to the language in this introductory text of subsection (78), systems must include either the language in



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

subsection--(78)(a)--or--(78)(b)--of--this--Appendix--Systems-with-a violation-at-the-treatment-plant-but-not-in-the-distribution-system are--required--to-use-the-language-in-subsection--(78)(a)--and--treat-the violation-as-a-nonacute-violation--Systems-with-a-violation-in-the distribution-system-are--required--to-use-the-language-in-subsection (78)(b)--of--this--Appendix--and--treat--the--violation--as--an--acute violation:

a) The-chlorine-dioxide-violations-reported-today-are-the-result-of exceedences-at--the--treatment-facility-only-and-do-not-include violations-within-the-distribution-system-serving-users--of--this water--supply--Continued-compliance-with-chlorine-dioxide-levels within-the-distribution-system-minimizes-the-potential-risk-of these-violations-to-present-consumers:

b) The--chlorine--dioxide--violations--reported--today--include exceedences-of-the-USEPA-standard-within-the-distribution-system serving-water-users--Violations-of-the-chlorine-dioxide-standard within--the--distribution--system--may--harm-human-health-based-on short-term-exposures--Certain-groups--including-pregnant-women? infants--and--young-children--may-be-especially-susceptible-to adverse-effects-of-excessive-exposure-to-chlorine-dioxide-treated water--The-purpose-of-this-notice-is-to-advise-that-such-persons should-consider-reducing-their-risk-of-adverse-effects-from-these chlorine-dioxide-violations-by-seeking-alternate-sources-of-water for--human--consumption--until--such--exceedences--are-rectified-- local-and-State-health-authorities-are-the-best-sources-for information-concerning-alternate-drinking-water:

79) Disinfection-byproducts (DBPs) and treatment technique for BBPs--The USEPA-sets-drinking-water-standards-and-requires-the-disinfection-of drinking-water--However--when-used--in--the-treatment-of-drinking water--disinfectants--react--with--naturally-occurring--organic--and inorganic--water--present--in--water--to--form--chemicals-called disinfection-byproducts--(DBPs)--USEPA-has-determined-that-a-number-of BBPs-are-a-health-concern-at-certain-levels-of-exposure--Certain BBPs--including-some-trihalomethanes--(THMs)--and-some-haloacetic-acids (HAAs)--have-been-shown-to-cause-cancer-in-laboratory-animals--Other BBPs--have--been-shown-to-affect-the-liver-and-the-nervous-system--and cause-reproductive-or-developmental-effects--in-laboratory-animals-- Exposure-to-certain-BBPs-may-produce-similar-effects-in-people--USEPA has-set-standards-to-limit-exposure-to-THMs--HAAs--and-other-BBPs:

80) Bromate--The--USEPA-sets-drinking-water-standards-and-has-determined that-bromate-is-a-health-concern--at-certain-levels-of-exposure-- Bromate-is-formed-as-a-byproduct-of-ozone-disinfection-of-drinking water--Ozone-reacts-with-naturally-occurring-bromide-in-the-water--to form-bromate--Bromate--has-been-shown-to-produce-cancer-in-rats-- USEPA-has-set-a-drinking-water-standard-to-limit-exposure-to-bromate-- 81) Chlorite--The-USEPA-sets-drinking-water-standards-and-has-determined that-chlorite-is-a-health-concern--at-certain-levels-of-exposure-- Chlorite-is-formed-from-the-breakdown-of-chlorine-dioxide-a-drinking

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

water--disinfectant--Chlorite--in--drinking-water-has-been-shown-to affect-blood-and-the-developing-nervous-system--USEPA--has--set--a drinking-water-standard-for-chlorite-to-protect-against-these-effects-- Drinking-water-which-meets-this-standard-is-associated-with-little-to none-of-these-risks-and-should-be-considered-safe-with-respect-to chlorite:

BOARD-NOTE--Derived-from-40-CFR-141-32(e)-(1998):

(Source: Former Section 611, Appendix A repealed, new Section 611, Appendix A added at 25 Ill. Reg. 10.03.01 effective 1/1/01)

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

**Section 611. APPENDIX E Mandatory Lead Public Education Information for Community Water Systems**

## 1) INTRODUCTION

The United States Environmental Protection Agency (USEPA EPA) and [insert name of water supplier] are concerned about lead in your drinking water. Although most homes have very low levels of lead in their drinking water, some homes in the community have lead levels about the USEPA EPA action level of 15 parts per billion (ppb), or 0.015 milligrams of lead per liter of water (mg/L). Under Federal law we are required to have a program in place to minimize lead in your drinking water by [insert date when corrosion control will be completed for your system]. This program includes corrosion control treatment, source water treatment, and public education. We are also required to replace the portion of each lead service line that we own control if the line contributes lead concentrations of more than 15 ppb after we have completed the comprehensive treatment program. If you have any questions about how we are carrying out the requirements of the lead regulation please give us a call at [insert water system's phone number]. This brochure explains the simple steps you can take to protect you and your family by reducing your exposure to lead in drinking water.

## 2) HEALTH EFFECTS OF LEAD

Lead is a common metal found throughout the environment in lead-based paint, air, soil, household dust, food, certain types of pottery, porcelain, and pewter, and water. Lead can pose a significant risk to your health if too much of it enters your body. Lead builds up in the body over many years and can cause damage to the brain, red blood cells, and kidneys. The greatest risk is to young children and pregnant women. Amounts of lead that won't hurt adults can slow down normal mental and physical development of growing bodies. In addition, a child at play often comes into contact with sources of lead contamination -- like dirt and dust -- that rarely affect an adult. It is important to wash children's hands and toys often, and to try to make sure they only put food in their mouths.

## 3) LEAD IN DRINKING WATER

A) Lead in drinking water, although rarely the sole cause of lead poisoning, can significantly increase a person's total lead exposure, particularly the exposure of infants who drink baby formulas and concentrated juices that are mixed with water. The EPA estimates that drinking water can make up to 20 percent or more of person's total exposure to lead.

B) Lead is unusual among drinking water contaminants in that it seldom occurs naturally in water supplies like rivers and lakes. Lead enters drinking water primarily as a result of the corrosion, or wearing away, of materials containing lead in the water distribution system

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

and household plumbing. These materials include lead-based solder used to join copper pipe, brass and chrome plated brass faucets, and in some cases, pipes made of lead that connect your house to the water main (service lines). In 1986, Congress banned the use of lead solder containing greater than 0.2% lead, and restricted the lead content of faucets, pipes and other plumbing materials to 8.0%.

C) When water stands in lead pipes or plumbing systems containing lead for several hours or more, the lead may dissolve into your drinking water. This means the first water drawn from the tap in the morning, or later in the afternoon after returning from work or school, can contain fairly high levels of lead.

## 4) STEPS YOU CAN TAKE IN THE HOME TO REDUCE EXPOSURE TO LEAD IN DRINKING WATER

A) Despite our best efforts mentioned earlier to control water corrosivity and remove lead from the water supply, lead levels in some homes or buildings can be high. To find out whether you need to take action in your own home, have your drinking water tested to determine if it contains excessive concentrations of lead. Testing the water is essential because you cannot see, taste, or smell lead in drinking water. Some local laboratories that can provide this service are listed at the end of this booklet. For more information on having your water tested, please call [insert phone number of water system].

B) If a water test indicates that the drinking water drawn from a tap in your home contains lead above 15 ppb, then you should take the following precautions:

i) Let the water run from the tap before using it for drinking or cooking any time the water in the faucet has gone unused for more than six hours. The longer water resides in your home's plumbing the more lead it may contain. Flushing the tap means running the cold water faucet until the water gets noticeably colder, usually about 15-30 seconds. If your house has a lead service line to the water main, you may have to flush the water for a longer time, perhaps one minute, before drinking. Although toilet flushing or showering flushes water through a portion of your home's plumbing system, you still need to flush the water in each faucet before using it for drinking or cooking. Flushing tap water is a simple and inexpensive measure you can take to protect your family's health. It usually uses less than one or two gallons of water and costs less than [insert a cost estimate based on flushing two times a day for 30 days] per month. To conserve water, fill a couple of bottles for drinking water after flushing the tap, and whenever possible use the first flush water to wash the dishes or water the plants. If you live in a high-rise building, letting the water flow before using it may not work to lessen your risk from lead. The plumbing systems have more, and sometimes larger pipes than smaller buildings. Ask your landlord for help in locating the source of the lead and

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- for advice on reducing the lead level.
- ii) Try not to cook with or drink water from the hot water tap. Hot water can dissolve more lead more quickly than cold water. If you need hot water, draw water from the cold tap and heat it on the stove.
  - iii) Remove loose lead solder and debris from the plumbing materials installed in newly constructed homes, or homes in which the plumbing has recently been replaced, by removing the faucet strainers from all taps and running the water from 3 to 5 minutes. Thereafter, periodically remove the strainers and flush out any debris that has accumulated over time.
  - iv) If your copper pipes are joined with lead solder that has been installed illegally since it was banned in 1986, notify the plumber who did the work and request that he or she replace the lead solder with lead-free solder. Lead solder looks dull gray, and when scratched with a key looks shiny. In addition, notify the Illinois Environmental Protection Agency your State insert name of department responsible for enforcing the Safe Drinking Water Act in your State about the violation.
  - v) Determine whether or not the service line that connects your home or apartment to the water main is made of lead. The best way to determine if your service line is made of lead is by either hiring a licensed plumber to inspect the line or by contacting the plumbing contractor who installed the line. You can identify the plumbing contractor by checking the city's record of building permits which should be maintained in the files of the insert name of department that issues building permits. A licensed plumber can at the same time check to see if your home's homes plumbing contains lead solder, lead pipes, or pipe fittings that contain lead. The public water system that delivers water to your home should also maintain records of the materials located in the distribution system. If the service line that connects your dwelling to the water main contributes more than 15 ppb to drinking water, after our comprehensive treatment program is in place, we are required to replace the portion of the line that we own. If the line is only partially owned controlled by the insert name of the city, county, or water system that controls the line, we are required to provide the owner of the privately-owned portion of the line you with information on how to replace the privately-owned your portion of the service line, and offer to replace that portion of the line at the owner's your expense and take a follow-up tap-water sample within 14 days of the replacement. If we replace only the portion of the line that we own, we also are required to notify you in advance and provide you with information on the steps that you can take to minimize exposure to any temporary increase in lead levels which may result from the partial replacement, to take a follow-up sample at our expense from the line within 72 hours after the partial

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- replacement, and to mail or otherwise provide you with the results of that sample within three business days after receiving the results. Acceptable replacement alternatives include copper, steel, iron, and plastic pipes.
- vi) Have an electrician check your wiring. If grounding wires from the electrical system are attached to your pipes, corrosion may be greater. Check with a licensed electrician or your local electrical code to determine if your wiring can be grounded elsewhere. DO NOT attempt to change the wiring yourself because improper grounding can cause electrical shock and fire hazards.
  - C) The steps described above will reduce the lead concentrations in your drinking water. However, if a water test indicates that the drinking water coming from your tap contains lead concentrations in excess of 15 ppb after flushing, or after we have completed our actions to minimize lead levels, then you may want to take the following additional measures:
    - i) Purchase or lease a home treated device. Home treatment devices are limited in that each unit treats only the water that flows from the faucet to which it is connected, and all of the devices require periodic maintenance and replacement. Devices such as reverse osmosis systems or distillers can effectively remove lead from your drinking water. Some activated carbon filters may reduce lead levels at the tap, however all lead reduction claims should be investigated. Be sure to check the actual performance of a specific home treatment device before and after installing the unit.
    - ii) Purchase bottled water for drinking and cooking.
  - D) You can consult a variety of sources for additional information. Your family doctor or pediatrician can perform a blood test for lead and provide you with information about the health effects of lead. State and local government agencies that can be contacted include the following:
    - i) insert the name of city or county department of public utilities at insert phone number can provide you with information about your community's water supply, and a list of local laboratories that have been certified by EPA for testing water quality;
    - ii) insert the name of city or county department that issues building permits at insert phone number can provide you with information about building permit records that should contain the names of plumbing contractors that plumbed your home; and
    - iii) The Illinois Department of Public Health insert the name of the State Department of Public Health at 217-782-4977 or 312-814-2608 insert phone number or the insert the name of the city or county health department at insert phone number can provide you with information about the health effects of lead and how you can have your child's blood tested.
  - E) The following is a list of some State-approved laboratories in your



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

area that you can call to have your water tested for lead. [Insert names and phone numbers of at least two laboratories.]  
 BOARD NOTE: Derived from 40 CFR 141.85(a)(1) (1999), as renumbered and amended at 65 Fed. Reg. 2005 (Jan. 12, 2000) (1999).

(Source: Amended at 25 Ill. Reg. 132.9 - c, effective 1/1/00)

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

Section 611. APPENDIX F Mandatory Lead Public Education Information for Non-Transient Non-Community Water Systems Converting Maximum Contaminant Level (MCL) Compliance Values for Consumer Confidence Reports Mandatory Lead Public Education Information for Non-Transient Non-Community Water Systems

## 1) INTRODUCTION

The United States Environmental Protection Agency (USEPA) and [insert name of water supplier] are concerned about lead in your drinking water. Some drinking water samples taken from this facility have lead levels above the USEPA action level of 15 parts per billion (ppb), or 0.015 milligrams of lead per liter of water (mg/L). Under Federal law we are required to have a program in place to minimize lead in your drinking water by [insert date when corrosion control will be completed for your system]. This program includes corrosion control treatment, source water treatment, and public education. We are also required to replace the portion of each lead service line that we own if the line contributes lead concentrations of more than 15 ppb after we have completed the comprehensive treatment program. If you have any questions about how we are carrying out the requirements of the lead regulation please give us a call at [insert water system's phone number]. This brochure explains the simple steps you can take to protect you and your family by reducing your exposure to lead in drinking water.

## 2) HEALTH EFFECTS OF LEAD

Lead is found throughout the environment in lead-based paint; air; soil; household dust; food; certain types of pottery, porcelain and pewter; and water. Lead can pose a significant risk to your health if too much of it enters your body. Lead builds up in the body over many years and can cause damage to the brain, red blood cells, and kidneys. The greatest risk is to young children and pregnant women. Amounts of lead that won't hurt adults can slow down normal mental and physical development of growing bodies. In addition, a child at play often comes into contact with sources of lead contamination -- like dirt and dust -- that rarely affect an adult. It is important to wash children's hands and toys often, and to try to make sure they only put food in their mouths.

## 3) LEAD IN DRINKING WATER

- A) Lead in drinking water, although rarely the sole cause of lead poisoning, can significantly increase a person's total lead exposure. Particularly the exposure of infants who drink baby formulas and concentrated juices that are mixed with water. The EPA estimates that drinking water can make up 20 percent or more of a person's total exposure to lead.
- B) Lead is unusual among drinking water contaminants in that it seldom occurs naturally in water supplies like rivers and lakes. Lead enters drinking water primarily as a result of the corrosion, or wearing

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

away, of materials containing lead in the water distribution system and household plumbing. These materials include lead-based solder used to join copper pipe, brass and chrome plated brass faucets, and in some cases, pipes made of lead that connect houses and buildings to the water main (service lines). In 1986, Congress banned the use of lead solder containing greater than 0.2% lead, and restricted the lead content of faucets, pipes and other plumbing materials to 8.0%.

- C) When water stands in lead pipes or plumbing systems containing lead for several hours or more, the lead may dissolve into your drinking water. This means the first water drawn from the tap in the morning, or later in the afternoon after returning from work or school, can contain fairly high levels of lead.

## 4) STEPS YOU CAN TAKE TO REDUCE EXPOSURE TO LEAD IN DRINKING WATER

- A) Let the water run from the tap before using it for drinking or cooking any time the water in a faucet has gone unused for more than six hours. The longer water resides in plumbing the more lead it may contain. Flushing the tap means running the cold water faucet until the water gets noticeably colder, usually about 15-30 seconds. Although toilet flushing or showering flushes water through a portion of the plumbing system, you still need to flush the water in each faucet before using it for drinking or cooking. Flushing tap water is a simple and inexpensive measure you can take to protect your family's health. It usually uses less than one gallon.
- B) Do not cook with or drink water from the hot water tap. Hot water can dissolve more lead more quickly than cold water. If you need hot water, draw water from the cold tap and heat it.
- C) The steps described above will reduce the lead concentrations in your drinking water. However, if you are still concerned, you may wish to use bottled water for drinking and cooking.
- D) You can consult a variety of sources for additional information. Your family doctor or pediatrician can perform a blood test for lead and provide you with information about the health effects of lead. State and local government agencies that can be contacted include the following:

- i) [insert the name or title of facility official if appropriate] at [insert phone number] can provide you with information about your facility's water supply; and
- ii) The Illinois Department of Public Health at 217-782-4977 or 312-814-2608 or the [insert the name of the State Department of Public Health] at [insert phone number] or the [insert the name of the city or county health department] at [insert phone number] can provide you with information about the health effects of lead.

BOARD NOTE: Derived from 40 CFR 141.85(a)(2), as added at 65 Fed. Reg. 2006 (Jan. 12, 2000). The Department of Public Health (Department) regulates non-community water supplies, including non-transient, non-community water

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

supplies. The Department has incorporated this Part into its regulations at 77 Ill. Adm. Code 900.15(a)(2)(A) and 900-20(k)(2). Thus, the Board has included the notice language of 40 CFR 141.85(a)(2) as this Section for the purposes of facilitating federal review and authorization of the Illinois drinking water regulations.

## Key

## --Action-Level

## --Maximum-Contaminant-Level

## --Maximum-Contaminant-Level-Goal

## --million-fibers-per-liter

## mrem/year --millirems-per-year-(a-measure-of-radiation-absorbed-by-the-body)

## NTU --Nephelometric-Turbidity-Units

## pCi/lb --picocuries-per-liter-(a-measure-of-radioactivity)

## ppm --parts-per-million-or-milligrams-per-liter-(mg/l)

## ppb --parts-per-billion-or-micrograms-per-liter-(ug/l)

## ppt --parts-per-trillion-or-nanograms-per-liter

## ppq --parts-per-quadrillion-or-picograms-per-liter

## TTC --Treatment-Technique

## Contaminant-(units)

## MCHG

## MCL

## Major-sources-in

## drinking-water

Microbiological  
Contaminants

## -1.-Total-Coliform

## Bacteria

## 0

## (systems-that

## collect-40-or

## more-samples

## per-month)-5%

## of-monthly

## samples-are

## positive

## (systems-that

## collect-fewer

## than-40

## samples-per

## month)-1

## positive

## sample

## Naturally-present-in-the

## environment

## 2.-Fecal-coliform

## and-E-coli

## 0

## A-routine

## sample-and-a

## repeat-sample

## are-fecal

## coliform-positive

## Human-and-animal-fecal

## waste

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|                                   |     |    |  |
|-----------------------------------|-----|----|--|
| 3--Turbidity                      | n/a | pp | Soil-runoff  |
| Radioactive<br>contaminants       |     |    |  |
| 4--Beta/photon-emitters-(mrem/yr) | 0   | 4  | Decay-of-natural-and-man-made<br>deposits  |
| 5--Alpha-emitters<br>(pCi/h)      | 0   | 15 | Erosion-of-natural-deposits  |
| 6--Combined-radium<br>(pCi/h)     | 0   | 5  | Erosion-of-natural-deposits  |
| Inorganic<br>contaminants         |     |    |  |
| 7--Antimony-(ppb)                 | 6   | 6  | Discharge-from-petroleum<br>refineries, fire-retardants,<br>ceramics, electronics, solder  |
| 8--Arsenic-(ppb)                  | n/a | 50 | Erosion-of-natural-deposits;<br>Runoff-from-orchards; Runoff<br>from-glass-and-electronics<br>production-wastes                      |
| 9--Asbestos-(MPS)                 | 7   | 7  | Decay-of-asbestos-cement<br>water-mains; Erosion-of<br>natural-deposits  |
| 10--Barium-(ppm)                  | 2   | 2  | Discharge-of-drilling<br>wastes; Discharge-from<br>metal-refineries; Erosion<br>of-natural-deposits                                  |
| 11--Beryllium-(ppb)               | 4   | 4  | Discharge-from-metal<br>refineries and coal-burning<br>factories; Discharge-from<br>electrical, aerospace, and<br>defense industries |

|  |     |        |  |
|--|-----|--------|--|
| 12--Cadmium-(ppb)                      | 5   | 5      | Corrosion-of-galvanized<br>pipes; Erosion-of-natural<br>deposits; Discharge-from<br>metal-refineries; Runoff<br>from-waste-batteries-and<br>paints |
| 13--Chromium-(ppb)                     | 100 | 100    | Discharge-from-steel-and<br>pulp-mills; Erosion-of<br>natural-deposits   |
| 14--Copper-(ppm)                       | 1-3 | As 1-3 | Corrosion-of-household<br>plumbing-systems; Erosion<br>of-natural-deposits;<br>leaching-from-wood<br>preservatives                                 |
| 15--Cyanide-(ppb)                      | 200 | 200    | Discharge-from-steel/metal<br>factories; Discharge-from<br>plastic-and-fertilizer<br>factories   |
| 16--Fluoride-(ppm)                     | 4   | 4      | Erosion-of-natural<br>deposits; Water-additive<br>which-promotes-strong<br>teeth; Discharge-from<br>fertilizer-and-aluminum<br>factories           |
| 17--Lead-(ppb)                         | 0   | As 15  | Corrosion-of-household<br>plumbing-systems; Erosion<br>of-natural-deposits   |
| 18--Mercury-(inor-<br>----gmic)-(ppb)  | 2   | 2      | Erosion-of-natural<br>deposits; Discharge-from<br>refineries-and<br>factories; Runoff-from<br>landfills; Runoff-from<br>cropland                   |
| 19--Nitrate-(as<br>----Nitrogen)-(ppm) | 10  | 10     | Runoff-from-fertilizer<br>use; Leaching-from-septic<br>tanks; Sewage; Erosion-of<br>natural-deposits   |
| 20--Nitrite-(as<br>----Nitrogen)-(ppm) | 1   | 1      | Runoff-from-fertilizer<br>use; Leaching-from-septic<br>tanks; Sewage; Erosion-of   |

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|  |     |     |  |
|--|-----|-----|--|
| 21---Selenium-(ppb)  | 50  | 50  | natural-deposits   |
|  |     |     | Discharge-from-petroleum   |
|  |     |     | and-metal-refineries   |
|  |     |     | Erosion-of-natural-deposits  |
|  |     |     | Discharge-from-mines   |
| 22---Thallium-(ppb)  | 0-5 | 2   | leaching-from-ore-processing-sites; Discharge from-electronics; glass and-drug-factories |
| Synthetic-Organic Contaminants-Including Pesticides-and-Herbicides |     |     |  |
| 23---2,4-D-(ppb)   | 70  | 70  | Runoff-from-herbicide used-on-row-crops  |
| 24---2,4,5-TP-(Silvex) (ppb)                                       | 50  | 50  | Residue-of-banned herbicide  |
| 25---Acrylamide  | 0   | 99  | Added-to-water-during sewage/wastewater treatment  |
| 26---Alachlor-(ppb)  | 0   | 2   | Runoff-from-herbicide used-on-row-crops  |
| 27---Atrazine-(ppb)  | 3   | 3   | Runoff-from-herbicide used-on-row-crops  |
| 28---Benz(a)pyrene (PAH) (nanograms/lb)                            | 0   | 200 | leaching-from-linings-of water-storage-tanks-and distribution-lines                      |
| 29---Carbofuran-(ppb)  | 40  | 40  | leaching-of-soil-fumigant used-on-rice-and-alfalfa                                       |
| 30---Chlordane-(ppb)   | 0   | 2   | Residue-of-banned termiticide  |
| 31---Datapon-(ppb)   | 200 | 200 | Runoff-from-herbicide used-on-rights-of-way  |
| 32---Di(2-ethylhexyl)-adipate-(ppb)                                | 400 | 400 | Discharge-from-chemical factories  |

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|                                      |     |     |   |
|--------------------------------------|-----|-----|---|
| 33---Di(2-ethylhexyl)phthalate-(ppb) | 0   | 6   | Discharge-from-rubber and-chemical-factories  |
| 34---Dibromochloropropane-(ppt)      | 0   | 200 | Runoff/leaching-from soil-fumigant-used-on soybeans; cotton; pine-apples; and-orchards      |
| 35---Dinoseb-(ppb)                   | 7   | 7   | Runoff-from-herbicide used-on-soybeans-and vegetables                                       |
| 36---Diquat-(ppb)                    | 20  | 20  | Runoff-from-herbicide use   |
| 37---Dioxin-(2,3,7,8-TCDD)-(ppb)     | 0   | 30  | Emissions-from-waste incineration-and-other combustion; Discharge from-chemical-factories   |
| 38---Endosulfan-(ppb)                | 100 | 100 | Runoff-from-herbicide use   |
| 39---Endrin-(ppb)                    | 2   | 2   | Residue-of-banned insecticide   |
| 40---Epichlorohydrin                 | 0   | 99  | Discharge-from-industrial chemical-factories; An impurity-of-some-water treatment-chemicals |
| 41---Ethylene-dibromide-(ppt)        | 0   | 50  | Discharge-from-petroleum refineries   |
| 42---Glyphosate-(ppb)                | 700 | 700 | Runoff-from-herbicide use   |
| 43---Heptachlor-(ppt)                | 0   | 400 | Residue-of-banned termiticide   |
| 44---Heptachlor-epoxide-(ppt)        | 0   | 200 | Breakdown-of-heptachlor   |
| 45---Hexachlorobenzene (ppb)         | 0   | 1   | Discharge-from-metal refineries-and-agricultural-chemical factories                         |



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|  |     |     |  |
|--|-----|-----|--|
| 46---Hexachlorocyclo-<br>-----pentadiene-(ppb)                 | 50  | 50  | Discharge-from-chemical<br>factories   |
| 47---Endane-(ppt)  | 200 | 200 | Runoff/leaching-from<br>insecticide-used-on<br>cattier-timber-gardens                |
| 48---Methoxychlor-(ppb)  | 40  | 40  | Runoff/leaching-from<br>insecticide-used-on<br>fruit-vegetables<br>alfalfa-livestock |
| 49---Oxamyl-(Vydaf)<br>------(ppb)                             | 200 | 200 | Runoff/leaching-from<br>insecticide-used-on<br>apples-potatoes-and<br>tomatoes       |
| 50---PEBs-(Polychlori-<br>-----nated-biphenyls)<br>------(ppt) | 0   | 500 | Runoff-from-landfills<br>Discharge-of-waste<br>chemicals                             |
| 51---Pentachlorophenol<br>------(ppb)                          | 0   | 1   | Discharge-from-wood<br>preserving-factories  |
| 52---Picloram-(ppb)  | 500 | 500 | Herbicide-runoff   |
| 53---Simazine-(ppb)  | 4   | 4   | Herbicide-runoff   |
| 54---Toxaphene-(ppb)   | 0   | 3   | Runoff/leaching-from<br>insecticide-used-on<br>cotton-and-cattle                     |
| Volatile-Organic<br>Contaminants                               |     |     |  |
| 55---Benzene-(ppb)   | 0   | 5   | Discharge-from-factories<br>leaching-from-gas-storage<br>tanks-and-landfills         |
| 56---Carbon-tetra-<br>-----chloride-(ppb)                      | 0   | 5   | Discharge-from-chemical<br>plants-and-other-industrial<br>activities                 |
| 57---Chlorobenzene<br>------(ppb)                              | 100 | 100 | Discharge-from-chemical<br>and-agricultural-chemical<br>factories                    |

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|  |     |     |  |
|--|-----|-----|--|
| 58---o-Dichlorobenzene<br>------(ppb)                    | 600 | 600 | Discharge-from-industrial<br>chemical-factories                                |
| 59---p-Dichlorobenzene<br>------(ppb)                    | 75  | 75  | Discharge-from-industrial<br>chemical-factories                                |
| 60---1,2-Dichloro-<br>-----ethane-(ppb)                  | 0   | 5   | Discharge-from-industrial<br>chemical-factories                                |
| 61---1,1-Dichloro-<br>-----ethylene-(ppb)                | 7   | 7   | Discharge-from-industrial<br>chemical-factories                                |
| 62---cis-1,2-Dichloro-<br>-----ethylene-(ppb)            | 70  | 70  | Discharge-from-industrial<br>chemical-factories                                |
| 63---trans-1,2-Di-<br>-----chloroethylene<br>------(ppb) | 100 | 100 | Discharge-from-industrial<br>chemical-factories                                |
| 64---Dichloromethane<br>------(ppb)                      | 0   | 5   | Discharge-from-pharma-<br>ceutical-and-chemical<br>factories                   |
| 55---1,2-Dichloro-<br>-----propane-(ppb)<br>------(ppb)  | 0   | 5   | Discharge-from-industrial<br>chemical-factories                                |
| 66---Ethylbenzene<br>------(ppb)                         | 700 | 700 | Discharge-from-petroleum<br>refineries   |
| 67---Styrene-(ppb)                                       | 100 | 100 | Discharge-from-rubber<br>and-plastic-factories<br>leaching-from-land-<br>fills |
| 68---Tetrachloro-<br>-----ethylene-(ppb)                 | 0   | 5   | Leaching-from-PVC-pipes<br>Discharge-from-factories<br>and-dry-cleaners        |
| 69---1,2,4-Trichloro-<br>-----benzene-(ppb)              | 70  | 70  | Discharge-from-textile-<br>finishing-factories                                 |
| 70---1,1,1-Trichloro-<br>-----ethane-(ppb)               | 200 | 200 | Discharge-from-metal<br>degreasing-sites-and<br>other-factories                |
| 71---1,1,2-Trichloro-<br>-----ethane-(ppb)               | 3   | 5   | Discharge-from-industrial<br>chemical-factories                                |

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|   |     |     |  |
|---|-----|-----|--|
| 73.---trichloro-<br>-----ethylene-(ppb)                   | 0   | 5   | Discharge-from-metal<br>degreasing-sites-and<br>other-factories            |
| 73.---GPHMs-{Total<br>-----trihalomethanes}<br>-----{ppb} | n/a | 100 | Byproduct-of-drinking<br>water-chlorination                                |
| 74.---xylene-(ppm)  | 1   | 1   | Discharge-from-petroleum<br>factories                                      |
| 75.---Vinyl-Chloride<br>-----{ppb}                        | 0   | 2   | leaching-from-pvc-piping?<br>Discharge-from-plastics<br>factories          |
| 76.---xylenes-(ppm)                                       | 10  | 10  | Discharge-from-petroleum<br>factories-Discharge-from<br>chemical-factories |

BOARD-NOTE:--Derived-from-Appendix B-to-Subpart-07-40-CFR-Subpart-0-(1998):

(Source: Former Section 611. Appendix F repealed and new Section 611. Appendix F added at 25 Ill. Reg. 1006.20 effective 10/1/93)

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

### Section 611. APPENDIX G NPDR Violations and Situations Requiring Public Notice Regulated-Contaminants

See note 1 at the end of this Appendix for an explanation of the Agency's authority to alter the magnitude of a violation from that set forth in the following table.

| Contaminant | Tier of public notice required | Citation | MCL/MRDL/TT violations(2) | Monitoring & testing procedure violations |
|-------------|--------------------------------|----------|---------------------------|---|
|-------------|--------------------------------|----------|---------------------------|---|

| Contaminant | Tier of public notice required | Citation | Tier of public notice required | Citation |
|-------------|--------------------------------|----------|--------------------------------|----------|
|-------------|--------------------------------|----------|--------------------------------|----------|

#### I. Violations of National Primary Drinking Water Regulations (NPDR):(3)

##### A. Microbiological Contaminants

|  |         |  |   |  |
|--|---------|--|---|--|
| 1. Total coliform  | 2       | 611.325(a)   | 3 | 611.521-611.525                                      |
| 2. Fecal coliform<br>E. coli   | 1       | 611.325(b)<br>(4)1,3   | 3 | 611.525  |
| 3. Turbidity MCL   | 2       | 611.320(a)   | 3 | 611.560  |
| 4. Turbidity MCL<br>(average of 2<br>days' samples<br>>5 NTU)  | (5) 2,1 | 611.320(b)   | 3 | 611.560  |
| 5. Turbidity (for<br>TT violations<br>resulting from a<br>single exceedance<br>of maximum allowable<br>turbidity<br>level) | (6) 2,1 | 611.231(b),<br>611.233(b)(1),<br>611.250(a)(2),<br>611.250(b)(2),<br>611.250(c)(2),<br>611.250(d),<br>611.743(a)(2),<br>611.743(b) | 3 | 611.531(a),<br>611.532(b),<br>611.533(a),<br>611.744 |
| 6. Surface Water<br>Treatment Rule<br>violations, other<br>than violations   | 2       | 611.211,<br>611.213,<br>611.220,<br>611.230-611.233,   | 3 | 611.531-611.533                                      |

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|  |   |                             |   |                                 |
|--|---|-----------------------------|---|---------------------------------|
| 7. Interim Enhanced Surface Water Treatment Rule violations, other than violations resulting from single exceedance of max. turbidity level (TT) | 2 | (7) 611.740-611.743         | 3 | 611.742,<br>611.744             |
| resulting from single exceedance of max. allowable turbidity level (TT)  |   | 611.240-611.242,<br>611.250 |   |                                 |
| 8. Antimony  | 2 | 611.301(b)                  | 3 | 611.600,<br>611.601,<br>611.603 |
| 9. Arsenic   | 2 | 611.300(b),<br>611.612(c)   | 3 | 611.100,<br>611.101,<br>611.612 |
| 10. Asbestos (fibers >10 m)  | 2 | 611.301(b)                  | 3 | 611.600,<br>611.601,<br>611.602 |
| 11. Barium   | 2 | 611.301(b)                  | 3 | 611.600,<br>611.601,<br>611.603 |
| 12. Beryllium  | 2 | 611.301(b)                  | 3 | 611.600,<br>611.601,<br>611.603 |
| 13. Cadmium  | 2 | 611.301(b)                  | 3 | 611.600,<br>611.601,<br>611.603 |
| 14. Chromium (total)   | 2 | 611.301(b)                  | 3 | 611.600,<br>611.601,<br>611.603 |

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|   |   |                 |         |   |
|---|---|-----------------|---------|---|
| 8. Cyanide  | 2 | 611.301(b)      | 3       | 611.600,<br>611.601,<br>611.603             |
| 9. Fluoride   | 2 | 611.301(b)      | 3       | 611.600,<br>611.601,<br>611.603             |
| 10. Mercury (inorganic)   | 2 | 611.301(b)      | 3       | 611.600,<br>611.601,<br>611.603             |
| 11. Nitrate   | 1 | 611.301(b)      | (8) 1,3 | 611.600,<br>611.601,<br>611.604,<br>611.606 |
| 12. Nitrite   | 1 | 611.301(b)      | (8) 1,3 | 611.600,<br>611.601,<br>611.605,<br>611.606 |
| 13. Total Nitrate and Nitrite   | 1 | 611.301(b)      | 3       | 611.600,<br>611.601                         |
| 14. Selenium  | 2 | 611.301(b)      | 3       | 611.600,<br>611.601,<br>611.603             |
| 15. Thallium  | 2 | 611.301(b)      | 3       | 611.600,<br>611.601,<br>611.603             |
| C. Lead and Copper Rule (Action Level for lead is 0.015 mg/L, for copper is 1.3 mg/L) |   |                 |         |   |
| 1. Lead and Copper Rule (TT)  | 2 | 611.350-611.355 | 3       | 611.356-611.359                             |
| D. Synthetic Organic Chemicals (SOCs)   |   |                 |         |   |
| 1. 2,4-D  | 2 | 611.310(c)      | 3       | 611.648                                     |

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|   |   |                   |   |                |
|---|---|-------------------|---|----------------|
| 2. 2,4,5-TP<br>(silvex)                 | 2 | <u>611.310(c)</u> | 3 | <u>611.648</u> |
| 3. Alachlor                             | 2 | <u>611.310(c)</u> | 3 | <u>611.648</u> |
| 4. Atrazine                             | 2 | <u>611.310(c)</u> | 3 | <u>611.648</u> |
| 5. Benzo(a)pyrene<br>{PAHs}             | 2 | <u>611.310(c)</u> | 3 | <u>611.648</u> |
| 6. Carbofuran                           | 2 | <u>611.310(c)</u> | 3 | <u>611.648</u> |
| 7. Chlordane                            | 2 | <u>611.310(c)</u> | 3 | <u>611.648</u> |
| 8. Dalapon                              | 2 | <u>611.310(c)</u> | 3 | <u>611.648</u> |
| 9. Di (2-ethyl-<br>hexyl) adipate       | 2 | <u>611.310(c)</u> | 3 | <u>611.648</u> |
| 10. Di (2-ethyl-<br>hexyl) phthalate    | 2 | <u>611.310(c)</u> | 3 | <u>611.648</u> |
| 11. Dibromochloro-<br>propane<br>(DBCP) | 2 | <u>611.310(c)</u> | 3 | <u>611.648</u> |
| 12. Dinoseb                             | 2 | <u>611.310(c)</u> | 3 | <u>611.648</u> |
| 13. Dioxin (2,3,<br>7,8-TCDD)           | 2 | <u>611.310(c)</u> | 3 | <u>611.648</u> |
| 14. Diquat                              | 2 | <u>611.310(c)</u> | 3 | <u>611.648</u> |
| 15. Endothall                           | 2 | <u>611.310(c)</u> | 3 | <u>611.648</u> |
| 16. Endrin                              | 2 | <u>611.310(c)</u> | 3 | <u>611.648</u> |
| 17. Ethylene<br>dibromide               | 2 | <u>611.310(c)</u> | 3 | <u>611.648</u> |
| 18. Glyphosate                          | 2 | <u>611.310(c)</u> | 3 | <u>611.648</u> |
| 19. Heptachlor                          | 2 | <u>611.310(c)</u> | 3 | <u>611.648</u> |
| 20. Heptachlor<br>epoxide               | 2 | <u>611.310(c)</u> | 3 | <u>611.648</u> |

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|  |   |                   |   |                |
|--|---|-------------------|---|----------------|
| 21. Hexachloro-<br>benzene                 | 2 | <u>611.310(c)</u> | 3 | <u>611.648</u> |
| 22. Hexachlorocyclopentadiene              | 2 | <u>611.310(c)</u> | 3 | <u>611.648</u> |
| 23. Lindane                                | 2 | <u>611.310(c)</u> | 3 | <u>611.648</u> |
| 24. Methoxychlor                           | 2 | <u>611.310(c)</u> | 3 | <u>611.648</u> |
| 25. Oxamyl (Vydate)                        | 2 | <u>611.310(c)</u> | 3 | <u>611.648</u> |
| 26. Pentachloro-<br>phenol                 | 2 | <u>611.310(c)</u> | 3 | <u>611.648</u> |
| 27. Picloram                               | 2 | <u>611.310(c)</u> | 3 | <u>611.648</u> |
| 28. Polychlorinated<br>biphenyls<br>(PCBs) | 2 | <u>611.310(c)</u> | 3 | <u>611.648</u> |
| 29. Simazine                               | 2 | <u>611.310(c)</u> | 3 | <u>611.648</u> |
| 30. Toxaphene                              | 2 | <u>611.310(c)</u> | 3 | <u>611.648</u> |
| E. Volatile Organic Chemicals (VOCs)       |   |                   |   |                |
| 1. Benzene                                 | 2 | <u>611.310(a)</u> | 3 | <u>611.646</u> |
| 2. Carbon tetra-<br>chloride               | 2 | <u>611.310(a)</u> | 3 | <u>611.646</u> |
| 3. Chlorobenzene<br>(monochlorobenzene)    | 2 | <u>611.310(a)</u> | 3 | <u>611.646</u> |
| 4. o-Dichloroben-<br>zene                  | 2 | <u>611.310(a)</u> | 3 | <u>611.646</u> |
| 5. p-Dichloroben-<br>zene                  | 2 | <u>611.310(a)</u> | 3 | <u>611.646</u> |
| 6. 1,2-Dichloro-<br>ethane                 | 2 | <u>611.310(a)</u> | 3 | <u>611.646</u> |
| 7. 1,1-Dichloro-<br>ethylene               | 2 | <u>611.310(a)</u> | 3 | <u>611.646</u> |



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|                                |   |            |   |                        |
|--------------------------------|---|------------|---|------------------------|
| 8. cis-1,2-Dichloro-ethylene   | 2 | 611.310(a) | 3 | 611.646                |
| 9. trans-1,2-Dichloroethylene  | 2 | 611.310(a) | 3 | 611.646                |
| 10. Dichloromethane            | 2 | 611.310(a) | 3 | 611.646                |
| 11. 1,2-Dichloro-propane       | 2 | 611.310(a) | 3 | 611.646                |
| 12. Ethylbenzene               | 2 | 611.310(a) | 3 | 611.646                |
| 13. Styrene                    | 2 | 611.310(a) | 3 | 611.646                |
| 14. Tetrachloro-ethylene       | 2 | 611.310(a) | 3 | 611.646                |
| 15. Toluene                    | 2 | 611.310(a) | 3 | 611.646                |
| 16. 1,2,4-Trichloro-benzene    | 2 | 611.310(a) | 3 | 611.646                |
| 17. 1,1,1-Trichloro-ethane     | 2 | 611.310(a) | 3 | 611.646                |
| 18. 1,1,2-Trichloro-ethane     | 2 | 611.310(a) | 3 | 611.646                |
| 19. Trichloro-ethylene         | 2 | 611.310(a) | 3 | 611.646                |
| 20. Vinyl chloride             | 2 | 611.310(a) | 3 | 611.646                |
| 21. Xylenes (total)            | 2 | 611.310(a) | 3 | 611.646                |
| F. Radioactive Contaminants    |   |            |   |                        |
| 1. Beta/photon emitters        | 2 | 611.331    | 3 | 611.720(a),<br>611.732 |
| 2. Alpha emitters              | 2 | 611.330(b) | 3 | 611.720(a),<br>611.731 |
| 3. Combined radium (226 & 228) | 2 | 611.330(a) | 3 | 611.720(a),<br>611.731 |

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|   |        |                              |         |                                    |
|---|--------|------------------------------|---------|------------------------------------|
| G. Disinfection Byproducts (DBPs), Byproduct Precursors, Disinfectant Residuals. Where disinfection is used in the treatment of drinking water, disinfectants combine with organic and inorganic matter present in water to form chemicals called disinfection byproducts (DBPs). US EPA sets standards for controlling the levels of disinfectants and DBPs in drinking water, including trihalomethanes (THMs) and haloacetic acids (HAAs). (9) |        |                              |         |                                    |
| 1. Total trihalo-methanes (THMs)  | 2      | (10) 611.310,<br>611.312(a)  | 3       | 611.680-611.688,<br>611.382(a)-(b) |
| 2. Haloacetic Acids (HAA5)  | 2      | 611.312(a)                   | 3       | 611.382(a)-(b)                     |
| 3. Bromate  | 2      | 611.312(a)                   | 3       | 611.382(a)-(b)                     |
| 4. Chlorite   | 2      | 611.312(a)                   | 3       | 611.382(a)-(b)                     |
| 5. Chlorine (MRDL)  | 2      | 611.313(a)                   | 3       | 611.382(a), (c)                    |
| 6. Chloramine (MRDL)  | 2      | 611.313(a)                   | 3       | 611.382(a), (c)                    |
| 7. Chlorine dioxide (MRDL), where any 2 consecutive daily samples at entrance to distribution system only are above MRDL  | 2      | 611.313(a),<br>611.383(c)(3) | 2(1), 3 | 611.382(a), (c),<br>611.383(c)(2)  |
| 8. Chlorine dioxide (MRDL), where sample(s) in distribution system the next day are also above MRDL   | (12) 1 | 611.313(a),<br>611.383(c)(3) | 1       | 611.382(a), (c),<br>611.383(c)(2)  |
| 9. Control of DBP precursors--TOC (TT)  | 2      | 611.385(a)-(b)               | 3       | 611.382(a), (d)                    |

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

10. Benchmarking and disinfection profiling N/A N/A 3 611.742

11. Development of monitoring Plan N/A N/A 3 611.382(f)

## H. Other Treatment Techniques

1. Acrylamide (TT) 2 611.296 N/A N/A

2. Epichlorohydrin (TT) 2 611.296 N/A N/A

## II. Unregulated Contaminant Monitoring: (13)

A. Unregulated contaminants N/A N/A 3 611.510

B. Nickel N/A N/A 3 611.603,  
611.611

## III. Public Notification for Relief Equivalent to a SDWA Section 1415 Variance or a Section 1416 Exemption:

A. Operation under relief equivalent to a SDWA Section 1415 variance or a Section 1416 exemption 3 (14)1415,  
1416 N/A N/A

B. Violation of conditions of relief equivalent to a SDWA Section 1415 variance or a Section 1416 exemption 2 1415, 1416,  
(15) 611.111,  
611.112 N/A N/A

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

## IV. Other Situations Requiring Public Notification:

A. Fluoride secondary maximum contaminant level (SMCL) exceedance 3 611.858 N/A N/A

B. Exceedance of nitrate MCL for non-community systems, as allowed by the Agency 1 611.300(d) N/A N/A

C. Availability of unregulated contaminant monitoring data 3 611.510 N/A N/A

D. Waterborne disease outbreak 1 611.101,  
611.233(b)(2) N/A N/A

E. Other waterborne emergency (16) 1 N/A N/A N/A

F. Other situations as determined by the Agency by a SEP issued pursuant to Section 611.110 (17)1,2,3 N/A N/A

## Appendix G--Endnotes

1. Violations and other situations not listed in this table (e.g., reporting violations and failure to prepare Consumer Confidence Reports), do not require notice, unless otherwise determined by the Agency by a SEP issued pursuant to Section 611.110. The Agency may, by a SEP issued pursuant to Section 611.110, further require a more stringent public notice tier (e.g., Tier 1 instead of Tier 2 or Tier 2 instead of Tier 3) for specific violations and situations listed in this Appendix, as authorized under Sections 611.902(a) and 611.903(a).

2. Definition of the abbreviations used: "MCL" means maximum contaminant

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

level, "MRDL" means maximum residual disinfectant level, and "rpt" means treatment technique.

3. The term "violations of National Primary Drinking Water Regulations (NPDWR)" is used here to include violations of MCL, MFDL, treatment technique, monitoring, and testing procedure requirements.

4. Failure to test for fecal coliform or E. coli is a Tier 1 violation if testing is not done after any repeat sample tests positive for coliform. All other total coliform monitoring and testing procedure violations are Tier 3 violations.

5. A supplier that violates the turbidity MCL of 5 NTU based on an average of measurements over two consecutive days must consult with the Agency within 24 hours after learning of the violation. Based on this consultation, the Agency may subsequently decide to issue a SEP issued pursuant to Section 611.110 that elevates the violation to a Tier 1 violation. If a system is unable to make contact with the Agency in the 24-hour period, the violation is automatically elevated to a Tier 1 violation.

6. A supplier with a treatment technique violation involving a single exceedance of a maximum turbidity limit under the Surface Water Treatment Rule (SWTR) or the Interim Enhanced Surface Water Treatment Rule (IESWTR) are required to consult with the Agency within 24 hours after learning of the violation. Based on this consultation, the Agency may subsequently decide to issue a SEP pursuant to Section 611.110 that elevates the violation to a Tier 1 violation. If a system is unable to make contact with the Agency in the 24-hour period, the violation is automatically elevated to a Tier 1 violation.

7. Most of the requirements of the Interim Enhanced Surface Water Treatment Rule (63 FR 69477) (Secs. 611.740-611.741, 611.743-611.744) become effective January 1, 2002 for a Subpart B supplier (surface water systems and groundwater systems under the direct influence of surface water) that serves at least 10,000 persons. However, Section 611.742 is currently effective. The Surface Water Treatment Rule (SWTR) remains in effect for systems serving at least 10,000 persons even after 2002; the Interim Enhanced Surface Water Treatment Rule adds additional requirements and does not in many cases supersede the SWTR.

8. Failure to take a confirmation sample within 24 hours for nitrate or nitrite after an initial sample exceeds the MCL is a Tier 1 violation. Other monitoring violations for nitrate are Tier 3.

9. A Subpart B community or non-transient non-community system supplier that serves 10,000 persons or more must comply with new DBP MCLs, disinfectant MRDLs, and related monitoring requirements beginning January 1, 2002. All other community and non-transient non-community systems must meet the MCLs

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

and MRDLs beginning January 1, 2004. A Subpart B transient non-community system supplier serving 10,000 or more persons that uses chlorine dioxide as a disinfectant or oxidant must comply with the chlorine dioxide MRDL beginning January 1, 2002. A Subpart B transient non-community system supplier that serves fewer than 10,000 persons, that uses only ground water not under the direct influence of surface water, and which uses chlorine dioxide as a disinfectant or oxidant must comply with the chlorine dioxide MRDL beginning January 1, 2004.

10. Section 611.310 will no longer apply after January 1, 2004.

11. Failure to monitor for chlorine dioxide at the entrance to the distribution system the day after exceeding the MRDL at the entrance to the distribution system is a Tier 2 violation.

12. If any daily sample taken at the entrance to the distribution system exceeds the MRDL for chlorine dioxide and one or more samples taken in the distribution system the next day exceed the MRDL, Tier 1 notification is required. A failure to take the required samples in the distribution system after the MRDL is exceeded at the entry point also triggers Tier 1 notification.

13. Some water suppliers must monitor for certain unregulated contaminants listed in Section 611.510.

14. This citation refers to Sections 1415 and 1416 of the federal Safe Drinking Water Act. Sections 1415 and 1416 require that "a schedule prescribed ... for a public water system granted relief equivalent to a SDWA Section 1415 variance or a Section 1416 exemption shall require compliance by the system

...."

15. In addition to Sections 1415 and 1416 of the federal Safe Drinking Water Act, 40 CFR 142.307 specifies the items and schedule milestones that must be included in relief equivalent to a SDWA Section 1415 small system variance. In granting any form of relief from an NPDR, the Board will consider all applicable federal requirements for and limitations on the State's ability to grant relief consistent with federal law.

16. Other waterborne emergencies require a Tier 1 public notice under Section 611.902(a) for situations that do not meet the definition of a waterborne disease outbreak given in Section 611.101, but which still have the potential to have serious adverse effects on health as a result of short-term exposure. These could include outbreaks not related to treatment deficiencies, as well as situations that have the potential to cause outbreaks, such as failures or significant interruption in water treatment processes, natural disasters that disrupt the water supply or distribution system, chemical spills, or unexpected loading of possible pathogens into the source water.

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

BOARD NOTE: Derived from Appendix A to Subpart Q to 40 CFR 141, as added at 65 Fed. Reg. 26040 (May 4, 2000).

Key

Ab Action-Level  
 MCB Maximum Contaminant Level  
 MCBG Maximum Contaminant Level Goal  
 MPB Million Fibers per Liter  
 mrem/year millirems per year (a measure of radiation absorbed by the body)  
 NTU Nephelometric Turbidity Units  
 pCi/y picocuries per liter (a measure of radioactivity)  
 ppm parts per million or milligrams per liter (mg/l)  
 ppb parts per billion or micrograms per liter (ug/l)  
 ppt parts per trillion or nanograms per liter  
 ppq parts per quadrillion or picograms per liter  
 pp Treatment Technique

Contaminant (units) MCB MCBG Major sources in drinking water

## Microbiological Contaminants

1. Total Coliform 0 Systems that collect 40 or more samples per month) 50 of monthly samples are positive (systems that collect fewer than 40 samples per month) 1 positive sample  
 2. Fecal coliform 0 Human and animal fecal waste repeat sample are fecal coliform positive and one is also fecal coliform or B-

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

coli positive

3. Turbidity n/a pp  
 Radioactive Contaminants  
 4. Beta/Photon-emitters (mrem/yr) 0 4 Decay of natural and man-made deposits  
 5. Alpha-emitters 0 15 Erosion of natural deposits  
 6. Combined radium 0 5 Erosion of natural deposits  
 7. Inorganic Contaminants  
 8. Antimony (ppb) 6 6 Discharge from petroleum refineries, fire retardants, ceramics, electronics, solder  
 9. Arsenic (ppb) n/a 50 Erosion of natural deposits, runoff from orchards, runoff from glass and electronics production wastes  
 10. Asbestos (MPb) 7 7 Decay of asbestos-cement water mains, erosion of natural deposits  
 11. Barium (ppm) 2 2 Discharge of drilling wastes, discharge from metal refineries, erosion of natural deposits  
 12. Beryllium (ppb) 4 4 Discharge from metal refineries and coal-burning factories, discharge from electrical, aerospace and defense industries  
 13. Cadmium (ppb) 5 5 Corrosion of galvanized pipes, erosion of natural deposits, discharge from metal refineries, runoff from waste batteries and



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|   |     |        |  |
|---|-----|--------|--|
| 13.---Chromium-(ppb)                      | 100 | 100    | paints   |
|   |     |        | Discharge-from-steel-and<br>pulp-mills;-Erosion-of<br>natural-deposits   |
| 14.---Copper-(ppm)                        | 1-3 | AS-1-3 | Corrosion-of-household<br>plumbing-systems;-Erosion<br>of-natural-deposits;<br>leaching-from-wood<br>preservatives                       |
| 15.---Cyanide-(ppb)                       | 200 | 200    | Discharge-from-steel/metal<br>factories;-Discharge-from<br>plastic-and-fertilizer<br>factories   |
| 16.---Fluoride-(ppm)                      | 4   | 4      | Erosion-of-natural<br>deposits;-Water-additive<br>which promotes-strong<br>teeth;-Discharge-from<br>fertilizer-and-aluminum<br>factories |
| 17.---Lead-(ppb)                          | 0   | AS-15  | Corrosion-of-household<br>plumbing-systems;-Erosion<br>of-natural-deposits   |
| 18.---Mercury-(inor-<br>-----gante)-(ppb) | 2   | 2      | Erosion-of-natural<br>deposits;-Discharge-from<br>refineries-and<br>factories;-Runoff-from<br>landfills;-Runoff-from<br>cropland         |
| 19.---Nitrate-(as<br>-----Nitrogen)-(ppm) | 10  | 10     | Runoff-from-fertilizer<br>use;-leaching-from-septic<br>tanks;-sewage;-Erosion-of<br>natural-deposits                                     |
| 20.---Nitrite-(as<br>-----Nitrogen)-(ppm) | 1   | 1      | Runoff-from-fertilizer<br>use;-leaching-from-septic<br>tanks;-sewage;-Erosion-of<br>natural-deposits                                     |
| 21.---Selenium-(ppb)                      | 50  | 50     | Discharge-from-petroleum<br>and-metal-refineries;<br>Erosion-of-natural-deposits   |

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|  |     |     |   |
|--|-----|-----|---|
| 22.---Thallium-(ppb)   | 0-5 | 2   | Discharge-from-mines  |
|  |     |     | leaching-from-ore-process-<br>ing-sites;-Discharge<br>from-electronics-glass-<br>and-drug-factories |
| 23.---2,4-D-(ppb)  | 70  | 70  | Synthetic-Organic<br>Contaminants-Including<br>Pesticides-and-Herbicides                            |
| 24.---2,4,5-TP-(Silvex)<br>------(ppb)                       | 50  | 50  | Runoff-from-herbicide<br>used-on-row-crops  |
| 25.---Acrylamide   | 0   | TP  | Residue-of-banned<br>herbicide  |
| 26.---Atrachlor-(ppb)  | 0   | 2   | Added-to-water-during<br>sewage/wastewater<br>treatment   |
| 27.---Atrazine-(ppb)   | 3   | 3   | Runoff-from-herbicide<br>used-on-row-crops  |
| 28.---Benzofuran-(ppb)<br>------(PAH)<br>------(nanograms/L) | 0   | 200 | Runoff-from-herbicide<br>used-on-row-crops  |
| 29.---Carbofuran-(ppb)                                       | 40  | 40  | leaching-from-linings-of<br>water-storage-tanks-and<br>distribution-lines                           |
| 30.---Chlordane-(ppb)  | 0   | 2   | leaching-of-soil-fumigant<br>used-on-rice-and-alfalfa   |
| 31.---Dialapone-(ppb)  | 200 | 200 | Residue-of-banned<br>termiticide  |
| 32.---Di(2-ethylhexyl)-<br>-----adipate-(ppb)                | 400 | 400 | Runoff-from-herbicide<br>used-on-rights-of-way  |
| 33.---Di(2-ethylhexyl)-<br>-----phthalate-(ppb)              | 0   | 6   | Discharge-from-chemical<br>factories  |
|  |     |     | Discharge-from-rubber<br>and-chemical-factories   |

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|   |     |     |  |
|---|-----|-----|--|
| 34.---Bibromochloro-<br>-----propane-(ppt)      | 0   | 200 | Runoff/leaching-from<br>soil-tumigant-used-on<br>soybeans, cotton, pine-<br>apples, and orchards     |
| 35.---Binoseb-(ppb)                             | 7   | 7   | Runoff-from-herbicide<br>used-on-soybeans-and<br>vegetables  |
| 36.---Biquat-(ppb)                              | 20  | 20  | Runoff-from-herbicide<br>use   |
| 37.---Bioxin-(2,3,7,7,8-<br>-----wGBB)-(ppq)    | 0   | 30  | Emissions-from-waste<br>incineration-and-other<br>combustion; Discharge<br>from-chemical-factories   |
| 38.---Endothal-(ppb)                            | 100 | 100 | Runoff-from-herbicide<br>use   |
| 39.---Endrin-(ppb)                              | 2   | 2   | Residue-of-banned<br>insecticide   |
| 40.---Epichlorohydrin                           | 0   | ppm | Discharge-from-industrial<br>chemical-factories; An<br>impurity-of-some-water<br>treatment-chemicals |
| 41.---Ethylene-dibro-<br>-----nide-(ppt)        | 0   | 50  | Discharge-from-petroleum<br>refineries   |
| 42.---Glyphosate-(ppb)                          | 700 | 700 | Runoff-from-herbicide<br>use   |
| 43.---Heptachlor-(ppt)                          | 0   | 400 | Residue-of-banned<br>termiticide   |
| 44.---Heptachlor<br>-----epoxide-(ppt)          | 0   | 200 | Breakdown-of-heptachlor  |
| 45.---Hexachlorobenzene<br>------(ppb)          | 0   | 1   | Discharge-from-metal<br>refineries-and-agricul-<br>tural-chemical<br>factories                       |
| 46.---Hexachlorocyclo-<br>-----pentadiene-(ppb) | 50  | 50  | Discharge-from-chemical<br>factories   |

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|   |     |     |  |
|---|-----|-----|--|
| 47.---Lindane-(ppt)   | 200 | 200 | Runoff/leaching-from<br>insecticide-used-on<br>cattle, lumber, gardens                   |
| 48.---Methoxychlor-(ppb)  | 40  | 40  | Runoff/leaching-from<br>insecticide-used-on<br>fruits, vegetables,<br>alfalfa, livestock |
| 49.---Oxamyl-(pydate)<br>------(ppb)                            | 200 | 200 | Runoff/leaching-from<br>insecticide-used-on<br>apples, potatoes, and<br>tomatoes         |
| 50.---PEBS-(Polychlori-<br>-----nated-biphenyls)<br>------(ppt) | 0   | 500 | Runoff-from-landfills;<br>Discharge-of-waste<br>chemicals                                |
| 51.---Pentachlorophenol<br>------(ppb)                          | 0   | 1   | Discharge-from-wood<br>preserving-factories  |
| 52.---Picloram-(ppb)  | 500 | 500 | Herbicide-runoff   |
| 53.---Simazine-(ppb)  | 4   | 4   | Herbicide-runoff   |
| 54.---Toxaphene-(ppb)   | 0   | 3   | Runoff/leaching-from<br>insecticide-used-on<br>cotton-and-cattle                         |
| Volatile-Organic<br>Contaminants                                |     |     |  |
| 55.---Benzene-(ppb)   | 0   | 5   | Discharge-from-factories;<br>leaching-from-gas-storage<br>tanks-and-landfills            |
| 56.---Carbon-tetra-<br>-----chloride-(ppb)                      | 0   | 5   | Discharge-from-chemical<br>plants-and-other-industrial<br>activities                     |
| 57.---Chlorobenzene<br>------(ppb)                              | 100 | 100 | Discharge-from-chemical<br>and-agricultural-chemical<br>factories                        |
| 58.---o-Dichlorobenzene<br>------(ppb)                          | 600 | 600 | Discharge-from-industrial<br>chemical-factories  |

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|  |     |     |  |
|--|-----|-----|--|
| 59---p-Dichlorobenzene<br>----- (ppb)                    | 75  | 75  | Discharge-from-industrial<br>chemical-factories                                  |
| 60---1,2-Dichloro-<br>-----ethane (ppb)                  | 0   | 5   | Discharge-from-industrial<br>chemical-factories                                  |
| 61---1,1-Dichloro-<br>-----ethylene (ppb)                | 7   | 7   | Discharge-from-industrial<br>chemical-factories                                  |
| 62---cis-1,2-Dichloro-<br>-----ethylene (ppb)            | 70  | 70  | Discharge-from-industrial<br>chemical-factories                                  |
| 63---trans-1,2-Di-<br>-----chloroethylene<br>----- (ppb) | 100 | 100 | Discharge-from-industrial<br>chemical-factories                                  |
| 64---Dichloromethane<br>----- (ppb)                      | 0   | 5   | Discharge-from-pharma-<br>ceutical-and-chemical<br>factories                     |
| 65---1,2-Dichloro-<br>-----propane (ppb)<br>----- (ppb)  | 0   | 5   | Discharge-from-industrial<br>chemical-factories                                  |
| 66---Ethylbenzene<br>----- (ppb)                         | 700 | 700 | Discharge-from-petroleum<br>refineries   |
| 67---Styrene (ppb)                                       | 100 | 100 | Discharge-from-rubber<br>and-plastic-factories;<br>bleaching-from-land-<br>fills |
| 68---Tetrachloro-<br>-----ethylene (ppb)                 | 0   | 5   | Bleaching-from-pvc-pipes;<br>Discharge-from-factories<br>and-dry-cleaners        |
| 69---1,2,4-Trichloro-<br>-----benzene (ppb)              | 70  | 70  | Discharge-from-textile-<br>finishing-factories                                   |
| 70---1,1,1-Trichloro-<br>-----ethane (ppb)               | 200 | 200 | Discharge-from-metal<br>degreasing-sites-and<br>other-factories                  |
| 71---1,1,2-Trichloro-<br>-----ethane (ppb)               | 3   | 5   | Discharge-from-industrial<br>chemical-factories                                  |

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|  |     |     |   |
|--|-----|-----|---|
| 72---p-Trichloro-<br>-----ethylene (ppb)                 | 0   | 5   | Discharge-from-metal<br>degreasing-sites-and<br>other-factories             |
| 73---pHMS (total<br>-----trihalomethanes)<br>----- (ppb) | n/a | 100 | Byproduct-of-drinking<br>water-chlorination                                 |
| 74---Toluene (ppm)                                       | 1   | 1   | Discharge-from-petroleum<br>factories                                       |
| 75---Vinyl Chloride<br>----- (ppb)                       | 0   | 2   | Bleaching-from-pvc-piping;<br>Discharge-from-plastics<br>factories          |
| 76---Xylenes (ppm)                                       | 10  | 10  | Discharge-from-petroleum<br>factories; Discharge-from<br>chemical-factories |

BOARD NOTE:--Derived from Appendix-B to Subpart-07-40-CFR-Subpart-0-(1998);

(Source: Former Section 611.Appendix G repealed and new Section 611.Appendix G added at 25 Ill. Reg. 1020.02 effective JAN 1, 2000)

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

Section 611. APPENDIX H Standard Health Effects Language for Public  
Notification

| Contaminant   | MCLIG (1)<br>mg/L | MCL (2)<br>mg/L           | Standard health effects<br>language for public<br>notification  |
|---|-------------------|---------------------------|---|
| <u>National Primary Drinking Water Regulations (NPDWR):</u> |                   |                           |   |
| <u>A. Microbiological Contaminants</u>                      |                   |                           |   |
| 1a. <u>Total coliform</u>                                   | <u>Zero</u>       | <u>See<br/>footnote 3</u> | Coliforms are bacteria that are naturally present in the environment and are used as an indicator that other, potentially-harmful, bacteria may be present. Coliforms were found in more samples than allowed and this was a warning of potential problems.   |
| 1b. <u>Fecal coliform/<br/>E.coli</u>                       | <u>Zero</u>       | <u>Zero</u>               | Fecal coliforms and E. coli are bacteria whose presence indicates that the water may be contaminated with human or animal wastes. Microbes in these wastes can cause short-term effects, such as diarrhea, cramps, nausea, headaches, or other symptoms. They may pose a special health risk for infants, young children, some of the elderly, and people with severely compromised immune systems. |
| 2a. <u>Turbidity<br/>(MCL)(4)</u>                           | <u>None</u>       | <u>1 NTU(5)/5<br/>NTU</u> | Turbidity has no health effects. However, turbidity can interfere with disinfection and provide a medium for microbial growth. Turbidity may indicate the presence of disease-causing organisms. These organisms include bacteria, viruses, and parasites that can cause  |

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|   |             |               |  |
|---|-------------|---------------|--|
| 2b. <u>Turbidity (SWTR<br/>(SWTRTT)</u>   | <u>None</u> | <u>TT(7)</u>  | symptoms such as nausea, cramps, diarrhea and associated headaches. Turbidity has no health effects. However, (6) turbidity can interfere with disinfection and provide a medium for microbial growth. Turbidity may indicate the presence of disease-causing organisms. These organisms include bacteria, viruses, and parasites that can cause symptoms such as nausea, cramps, diarrhea and associated headaches. |
| 2c. <u>Turbidity<br/>(IESWTR TT)</u>  | <u>None</u> | <u>TT</u>     | Turbidity has no health effects. However, (8) turbidity can interfere with disinfection and provide a medium for microbial growth. Turbidity may indicate the presence of disease-causing organisms. These organisms include bacteria, viruses, and parasites that can cause symptoms such as nausea, cramps, diarrhea and associated headaches.   |
| 3. <u>Giardia lamblia<br/>(SWTR/IESWTR)</u>   | <u>Zero</u> | <u>TT(10)</u> | Inadequately treated water may contain disease-causing organisms. These organisms include bacteria, viruses, and parasites which can cause symptoms such as nausea, cramps, diarrhea, and associated headaches.  |
| 4. <u>Viruses<br/>(SWTR/IESWTR)</u>   |             |               |  |
| 5. <u>Heterotrophic plate<br/>count (HPC) bacteria(9)<br/>(SWTR/IESWTR)</u>   |             |               |  |
| <u>B. Surface Water Treatment Rule (SWTR) and Interim Enhanced<br/>Surface Water Treatment Rule (IESWTR) violations</u> |             |               |  |



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|  |                  |              |   |  |  |
|--|------------------|--------------|---|--|--|
| 6. <u>Legionella</u><br>(SWTR/IESWTR)  |                  |              |   |  |  |
| 7. <u>Cryptosporidium</u><br>(IESWTR)  |                  |              |   |  |  |
| <u>C. Inorganic Chemicals (IOCs)</u>   |                  |              |   |  |  |
| 8. <u>Antimony</u>                     | <u>0.006</u>     | <u>0.006</u> | Some people who drink water containing antimony well in excess of the MCL over many years could experience increases in blood cholesterol and decreases in blood sugar.                                       |  |  |
| 9. <u>Arsenic</u>                      | <u>None</u>      | <u>0.05</u>  | Some people who drink water containing arsenic in excess of the MCL over many years could experience skin damage or problems with their circulatory system, and may have an increased risk of getting cancer. |  |  |
| 10. <u>Asbestos</u><br>(10 <u>um</u> ) | <u>7 MFL(11)</u> | <u>7 MFL</u> | Some people who drink water containing asbestos in excess of MCL over many years may have an increased risk of developing benign intestinal polyps.   |  |  |
| 11. <u>Barium</u>                      | <u>2</u>         | <u>2</u>     | Some people who drink water containing barium in excess of the MCL over many years could experience an increase in their blood pressure.  |  |  |
| 12. <u>Beryllium</u>                   | <u>0.004</u>     | <u>0.004</u> | Some people who drink water containing beryllium well in excess of the MCL over many years could develop intestinal lesions.  |  |  |
| 13. <u>Cadmium</u>                     | <u>0.005</u>     | <u>0.005</u> | Some people who drink water containing cadmium in excess of the MCL over many years could experience kidney damage.   |  |  |
| 14. <u>Chromium</u><br>(total)         | <u>0.1</u>       | <u>0.1</u>   | Some people who use water containing chromium well in excess of the MCL over many years could experience  |  |  |

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|                                   |              |              |  |  |  |
|-----------------------------------|--------------|--------------|--|--|--|
| 15. <u>Cyanide</u>                | <u>0.2</u>   | <u>0.2</u>   | allergic dermatitis.<br>Some people who drink water containing cyanide well in excess of the MCL over many years could experience nerve damage or problems with their thyroid.   |  |  |
| 16. <u>Fluoride</u>               | <u>4.0</u>   | <u>4.0</u>   | Some people who drink water containing fluoride in excess of the MCL over many years could get bone disease, including pain and tenderness of the bones.<br>Fluoride in drinking water at half the MCL or more may cause mottling of children's teeth, usually in children less than nine years old.<br>Mottling, also known as dental fluorosis, may include brown staining and/or pitting of the teeth, and occurs only in developing teeth before they erupt from the gums. |  |  |
| 17. <u>Mercury</u><br>(inorganic) | <u>0.002</u> | <u>0.002</u> | Some people who drink water containing inorganic mercury well in excess of the MCL over many years could experience kidney damage.<br>Infants below the age of six months who drink water containing nitrate in excess of the MCL could become seriously ill and, if untreated, may die.<br>Symptoms include shortness of breath and blue baby syndrome.   |  |  |
| 18. <u>Nitrate</u>                | <u>10</u>    | <u>10</u>    | Infants below the age of six months who drink water containing nitrite in excess of the MCL could become seriously ill and, if untreated, may die.<br>Symptoms include shortness of breath and blue baby syndrome.   |  |  |
| 19. <u>Nitrite</u>                | <u>1</u>     | <u>1</u>     | Infants below the age of six months who drink water containing nitrite in excess of the MCL could become seriously ill and, if untreated, may die.<br>Symptoms include shortness of breath and blue baby syndrome.   |  |  |

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|                               |        |        |   |
|-------------------------------|--------|--------|---|
| 20. Total Nitrate and Nitrate | 10     | 10     | Infants below the age of six months who drink water containing nitrate and nitrite in excess of the MCL could become seriously ill and, if untreated, may die.<br>Symptoms include shortness of breath and blue baby syndrome.  |
| 21. Selenium                  | 0.05   | 0.05   | Selenium is an essential nutrient. However, some people who drink water containing selenium in excess of the MCL over many years could experience hair or fingernail losses, numbness in fingers or toes, or problems with their circulation.   |
| 22. Thallium                  | 0.0005 | 0.002  | Some people who drink water containing thallium in excess of the MCL over many years could experience hair loss, changes in their blood, or problems with their kidneys, intestines, or liver.  |
| D. Lead and Copper Rule       |        |        |   |
| 23. Lead                      | Zero   | TT(12) | Infants and children who drink water containing lead in excess of the action level could experience delays in their physical or mental development. Children could show slight deficits in attention span and learning abilities. Adults who drink this water over many years could develop kidney problems or high blood pressure. |
| 24. Copper                    | 1.3    | TT(13) | Copper is an essential nutrient, but some people who drink water containing copper in excess of the action level over a relatively short amount of time could   |

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|                                       |       |        |  |
|---------------------------------------|-------|--------|--|
| E. Synthetic Organic Chemicals (SOCs) |       |        |  |
| 25. 2,4,4-D                           | 0.07  | 0.07   | Some people who drink water containing the weed killer 2,4-D well in excess of the MCL over many years could experience problems with their kidneys, liver, or adrenal glands.   |
| 26. 2,4,5-TP (silvex)                 | 0.05  | 0.05   | Some people who drink water containing silvex in excess of the MCL over many years could experience liver problems.  |
| 27. Alachlor                          | Zero  | 0.002  | Some people who drink water containing alachlor in excess of the MCL over many years could have problems with their eyes, liver, kidneys, or spleen, or experience anemia, and may have an increased risk of getting cancer. |
| 28. Atrazine                          | 0.003 | 0.003  | Some people who drink water containing atrazine well in excess of the MCL over many years could experience problems with their cardiovascular system or reproductive difficulties.   |
| 29. Benzo(a)pyrene (PAHs)             | Zero  | 0.0002 | Some people who drink water containing benzo(a)pyrene in excess of the MCL over many years may experience reproductive difficulties and may have an increased risk of getting cancer.  |

experience gastrointestinal distress. Some people who drink water containing copper in excess of the action level over many years could suffer liver or kidney damage. People with Wilson's Disease should consult their personal doctor.

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|                                 |       |        |   |
|---------------------------------|-------|--------|---|
| 30. Carbofuran                  | 0.04  | 0.04   | Some people who drink water containing carbofuran in excess of the MCL over many years could experience problems with their blood, or nervous or reproductive systems.  |
| 31. Chlordane                   | Zero  | 0.002  | Some people who drink water containing chlordane in excess of the MCL over many years could experience problems with their liver or nervous system, and may have an increased risk of getting cancer.                                 |
| 32. Dalapon                     | 0.2   | 0.2    | Some people who drink water containing dalapon well in excess of the MCL over many years could experience minor kidney changes.   |
| 33. Di (2-ethylhexyl) adipate   | 0.4   | 0.4    | Some people who drink water containing di(2-ethylhexyl) adipate well in excess of the MCL over many years could experience general toxic effects or reproductive difficulties.  |
| 34. Di (2-ethylhexyl) phthalate | Zero  | 0.006  | Some people who drink water containing di(2-ethylhexyl) phthalate in excess of the MCL over many years may have problems with their liver, or experience reproductive difficulties, and may have an increased risk of getting cancer. |
| 35. Dibromochloropropane (DBCP) | Zero  | 0.0002 | Some people who drink water containing DBCP in excess of the MCL over many years could experience reproductive difficulties and may have an increased risk of getting cancer.   |
| 36. Dinoseb                     | 0.007 | 0.007  | Some people who drink water containing dinoseb well in excess of the MCL  |

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|                           |       |                      |  |
|---------------------------|-------|----------------------|--|
| 37. Dioxin (2,3,7,8-TCDD) | Zero  | 3 x 10 <sup>-8</sup> | over many years could experience reproductive difficulties.<br>Some people who drink water containing dioxin in excess of the MCL over many years could experience reproductive difficulties and may have an increased risk of getting cancer. |
| 38. Diquat                | 0.02  | 0.02                 | Some people who drink water containing diquat in excess of the MCL over many years could get cataracts.  |
| 39. Endothall             | 0.1   | 0.1                  | Some people who drink water containing endothall in excess of the MCL over many years could experience problems with their stomach or intestines.  |
| 40. Endrin                | 0.002 | 0.002                | Some people who drink water containing endrin in excess of the MCL over many years could experience liver problems.  |
| 41. Ethylene dibromide    | Zero  | 0.00005              | Some people who drink water containing ethylene dibromide in excess of the MCL over many years could experience problems with their liver, stomach, reproductive system, or kidneys, and may have an increased risk of getting cancer.         |
| 42. Glyphosate            | 0.7   | 0.7                  | Some people who drink water containing glyphosate in excess of the MCL over many years could experience problems with their kidneys or reproductive difficulties.  |
| 43. Heptachlor            | Zero  | 0.0004               | Some people who drink water containing heptachlor in excess of the MCL over many years could experience liver damage and may have an increased risk of getting cancer.   |

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|                                 |        |        |   |
|---------------------------------|--------|--------|---|
| 44. Heptachlor epoxide          | Zero   | 0.0002 | Some people who drink water containing heptachlor epoxide in excess of the MCL over many years could experience liver damage, and may have an increased risk of getting cancer.   |
| 45. Hexachloro-benzene          | Zero   | 0.001  | Some people who drink water containing hexachlorobenzene in excess of the MCL over many years could experience problems with their liver or kidneys, or adverse reproductive effects, and may have an increased risk of getting cancer. |
| 46. Hexachloro-cyclopenta-diene | 0.05   | 0.05   | Some people who drink water containing hexachlorocyclopentadiene well in excess of the MCL over many years could experience problems with their kidneys or stomach.   |
| 47. Lindane                     | 0.0002 | 0.0002 | Some people who drink water containing lindane in excess of the MCL over many years could experience problems with their kidneys or liver.  |
| 48. Methoxychlor                | 0.04   | 0.04   | Some people who drink water containing methoxychlor in excess of the MCL over many years could experience reproductive difficulties.  |
| 49. Oxamyl (Vydate)             | 0.2    | 0.2    | Some people who drink water containing oxamyl in excess of the MCL over many years could experience slight nervous system effects.  |
| 50. Pentachloro-phenol          | Zero   | 0.001  | Some people who drink water containing pentachlorophenol in excess of the MCL over many years could experience problems with their liver or kidneys, and may have an increased risk of getting cancer.                                  |

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|                                      |       |        |   |
|--------------------------------------|-------|--------|---|
| 51. Picloram                         | 0.5   | 0.5    | Some people who drink water containing picloram in excess of the MCL over many years could experience problems with their liver.  |
| 52. Polychlorinated biphenyls (PCBs) | Zero  | 0.0005 | Some people who drink water containing PCBs in excess of the MCL over many years could experience changes in their skin, problems with their thymus gland, immune deficiencies, or reproductive or nervous system difficulties, and may have an increased risk of getting cancer. |
| 53. Simazine                         | 0.004 | 0.004  | Some people who drink water containing simazine in excess of the MCL over many years could experience problems with their blood.  |
| 54. Toxaphene                        | Zero  | 0.003  | Some people who drink water containing toxaphene in excess of the MCL over many years could have problems with their kidneys, liver, or thyroid, and may have an increased risk of getting cancer.  |
| F. Volatile Organic Chemicals (VOCs) |       |        |   |
| 55. Benzene                          | Zero  | 0.005  | Some people who drink water containing benzene in excess of the MCL over many years could experience anemia or a decrease in blood platelets, and may have an increased risk of getting cancer.   |
| 56. Carbon tetra-chloride            | Zero  | 0.005  | Some people who drink water containing carbon tetrachloride in excess of the MCL over many years could experience problems with their liver and may have an increased risk of getting cancer.   |



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|   |       |       |  |
|---|-------|-------|--|
| 57. Chlorobenzene<br>(monochloro-<br>benzene) | 0.1   | 0.1   | Some people who drink<br>water containing<br>chlorobenzene in excess of<br>the MCL over many years<br>could experience problems<br>with their liver or kidneys.  |
| 58. o-Dichloro-<br>benzene                    | 0.6   | 0.6   | Some people who drink<br>water containing o-<br>dichlorobenzene well in<br>excess of the MCL over many<br>years could experience<br>problems with their liver,<br>kidneys, or circulatory<br>systems.              |
| 59. p-Dichloro-<br>benzene                    | 0.075 | 0.075 | Some people who drink<br>water containing p-<br>dichlorobenzene in excess of<br>the MCL over many years<br>could experience anemia,<br>damage to their liver,<br>kidneys, or spleen, or<br>changes in their blood. |
| 60. 1,2-Dichloro-<br>ethane                   | Zero  | 0.005 | Some people who drink<br>water containing 1,2-<br>dichloroethane in excess of<br>the MCL over many years<br>may have an increased risk<br>of getting cancer.   |
| 61. 1,1-Dichloro-<br>ethylene                 | 0.007 | 0.007 | Some people who drink<br>water containing 1,1-<br>dichloroethylene in excess of<br>the MCL over many years<br>could experience problems<br>with their liver.   |
| 62. cis-1,2-Dichloro-<br>ethylene             | 0.07  | 0.07  | Some people who drink<br>water containing cis-1,2-<br>dichloroethylene in excess of<br>the MCL over many years<br>could experience problems<br>with their liver.   |
| 63. trans-1,2-Dichloro-<br>ethylene           | 0.1   | 0.1   | Some people who drink<br>water containing trans-1,2-<br>dichloroethylene well in<br>excess of the MCL over many<br>years could experience<br>problems with their liver.  |
| 64. Dichloromethane                           | Zero  | 0.005 | Some people who drink<br>water containing<br>dichloromethane in excess of<br>the MCL over many years<br>could have liver problems<br>and may have an increased<br>risk of getting cancer.                          |
|   |       | 0.005 | Some people who drink<br>water containing 1,2-<br>dichloropropane in excess of<br>the MCL over many years<br>may have an increased risk<br>of getting cancer.  |
|   |       | 0.7   | Some people who drink<br>water containing<br>ethylbenzene well in excess<br>of the MCL over many years<br>could experience problems<br>with their liver or kidneys.  |
|   |       | 0.1   | Some people who drink<br>water containing styrene well<br>in excess of the MCL over<br>many years could have<br>problems with their liver,<br>kidneys, or circulatory<br>system.                                   |
|   |       | 0.005 | Some people who drink<br>water containing<br>tetrachloroethylene in excess<br>of the MCL over many years<br>could have problems with<br>their liver, and may have an<br>increased risk of getting<br>cancer.       |
|   |       | 1     | Some people who drink<br>water containing toluene well<br>in excess of the MCL over<br>many years could have<br>problems with their nervous<br>system, kidneys, or liver.  |
|   |       | 0.07  | Some people who drink<br>water containing 1,2,4-<br>trichlorobenzene well in<br>excess of the MCL over many<br>years could experience<br>changes in their adrenal<br>glands.                                       |
|   |       | 0.2   | Some people who drink<br>water containing 1,1,1-<br>trichloroethane in excess of   |

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|                                 |      |       |  |
|---------------------------------|------|-------|--|
| 65. 1,2-Dichloro-<br>propane    | Zero | 0.005 | Some people who drink<br>water containing 1,2-<br>dichloropropane in excess of<br>the MCL over many years<br>may have an increased risk<br>of getting cancer.  |
| 66. Ethylbenzene                | 0.7  | 0.7   | Some people who drink<br>water containing<br>ethylbenzene well in excess<br>of the MCL over many years<br>could experience problems<br>with their liver or kidneys.  |
| 67. Styrene                     | 0.1  | 0.1   | Some people who drink<br>water containing styrene well<br>in excess of the MCL over<br>many years could have<br>problems with their liver,<br>kidneys, or circulatory<br>system.                             |
| 68. Tetrachloro-<br>ethylene    | Zero | 0.005 | Some people who drink<br>water containing<br>tetrachloroethylene in excess<br>of the MCL over many years<br>could have problems with<br>their liver, and may have an<br>increased risk of getting<br>cancer. |
| 69. Toluene                     | 1    | 1     | Some people who drink<br>water containing toluene well<br>in excess of the MCL over<br>many years could have<br>problems with their nervous<br>system, kidneys, or liver.                                    |
| 70. 1,2,4-Trichloro-<br>benzene | 0.07 | 0.07  | Some people who drink<br>water containing 1,2,4-<br>trichlorobenzene well in<br>excess of the MCL over many<br>years could experience<br>changes in their adrenal<br>glands.                                 |
| 71. 1,1,1-Trichloro-<br>ethane  | 0.2  | 0.2   | Some people who drink<br>water containing 1,1,1-<br>trichloroethane in excess of   |

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

the MCL over many years could experience problems with their liver, nervous system, or circulatory system.

Some people who drink water containing 1,1,2-trichloroethane well in excess of the MCL over many years could have problems with their liver, kidneys, or immune systems.

Some people who drink water containing

trichloroethylene in excess of the MCL over many years could experience problems with their liver and may have an increased risk of getting cancer.

Some people who drink water containing vinyl chloride in excess of the MCL over many years may have an increased risk of getting cancer.

Some people who drink water containing xylenes in excess of the MCL over many years could experience damage to their nervous system.

## G. Radioactive Contaminants

|                           |       |                |  |
|---------------------------|-------|----------------|--|
| 72. 1,1,2-Trichloroethane | 0.003 | 0.005          | the MCL over many years could experience problems with their liver, nervous system, or circulatory system.   |
| 73. Trichloroethylene     | Zero  | 0.005          | Some people who drink water containing 1,1,2-trichloroethane well in excess of the MCL over many years could have problems with their liver, kidneys, or immune systems.   |
| 74. Vinyl chloride        | Zero  | 0.002          | Some people who drink water containing vinyl chloride in excess of the MCL over many years may have an increased risk of getting cancer.   |
| 75. Xylenes (total)       | 10    | 10             | Some people who drink water containing xylenes in excess of the MCL over many years could experience damage to their nervous system.   |
| 76. Beta/photons emitters | Zero  | 4 mrem/yr (14) | Certain minerals are radioactive and may emit forms of radiation known as photons and beta radiation. Some people who drink water containing beta and photon emitters in excess of the MCL over many years may have an increased risk of getting cancer. |
| 77. Alpha emitters        | Zero  | 15 pCi/L(15)   | Certain minerals are radioactive and may emit a form of radiation known as   |

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

alpha radiation. Some people who drink water containing alpha emitters in excess of the MCL over many years may have an increased risk of getting cancer.

Some people who drink water containing radium 226 or 228 in excess of the MCL over many years may have an increased risk of getting cancer.

H. Disinfection Byproducts (DBPs), Byproduct Precursors, and Disinfectant Residuals: Where disinfection is used in the treatment of drinking water, disinfectants combine with organic and inorganic matter present in water to form chemicals called disinfection byproducts (DBPs). USEPA sets standards for controlling the levels of disinfectants and DBPs in drinking water, including trihalomethanes (THMs) and haloacetic acids (HAA5)(16)

|                                  |      |                     |   |
|----------------------------------|------|---------------------|---|
| 78. Combined radium (226 & 228)  | Zero | 5 pCi/L             | Some people who drink water containing radium 226 or 228 in excess of the MCL over many years may have an increased risk of getting cancer.   |
| 79. Total trihalomethanes (THMs) | N/A  | 0.10/0.08 (17) (18) | Some people who drink water containing trihalomethanes in excess of the MCL over many years may experience problems with their liver, kidneys, or central nervous system, and may have an increased risk of getting cancer. |
| 80. Haloacetic Acids (HAA5)      | N/A  | 0.060 (19)          | Some people who drink water containing haloacetic acids in excess of the MCL over many years may have an increased risk of getting cancer.  |
| 81. Bromate                      | Zero | 0.010               | Some people who drink water containing bromate in excess of the MCL over many years may have an increased risk of getting cancer.   |
| 82. Chlorite                     | 0.08 | 1.0                 | Some infants and young children who drink water containing chlorite in excess of the MCL could experience nervous system effects. Similar effects may occur in fetuses of pregnant women who drink water containing         |

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- chlorite in excess of the MCL. Some people may experience anemia. Some people who use water containing chlorine well in excess of the MRDL could experience irritating effects to their eyes and nose. Some people who drink water containing chlorine well in excess of the MRDL could experience stomach discomfort.
83. Chlorine 4 (MRDLG) 4.0 (MRDL)(21) excess of the MRDL could experience irritating effects to their eyes and nose. Some people who drink water containing chlorine well in excess of the MRDL could experience stomach discomfort.
84. Chloramines 4 (MRDLG) 4.0 (MRDL) containing chloramines well in excess of the MRDL could experience irritating effects to their eyes and nose. Some people who drink water containing chloramines well in excess of the MRDL could experience stomach discomfort or anemia.
- 85a. Chlorine dioxide, where any 2 consecutive daily samples taken at the entrance to the distribution system are above the MRDL 0.8 (MRDLG) 0.8 (MRDL) children who drink water containing chlorine dioxide in excess of the MRDL could experience effects. Similar effects may occur in fetuses of pregnant women who drink water containing chlorine dioxide in excess of the MRDL. Some people may experience anemia.
- Add for public notification only: The chlorine dioxide violations reported today are the result of exceedances at the treatment facility only, not within the distribution system which delivers water to consumers. Continued compliance with chlorine dioxide levels within the distribution system minimizes the potential risk of these violations to

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- 85b. Chlorine dioxide, where one or more distribution system samples are above MRDL 0.8 (MRDLG) 0.8 (MRDL) consumers. Some infants and young children who drink water containing chlorine dioxide in excess of the MRDL could experience nervous system effects. Similar effects may occur in fetuses of pregnant women who drink water containing chlorine dioxide in excess of the MRDL. Some people may experience anemia.
- Add for public notification only: The chlorine dioxide violations reported today include exceedances of the USEPA standard within the distribution system which delivers water to consumers. Violations of the chlorine dioxide standard within the distribution system may harm human health based on short-term exposures. Certain groups, including fetuses, infants, and young children, may be especially susceptible to nervous system effects from excessive chlorine dioxide exposure. Total organic carbon (TOC) has no health effects. However, total organic carbon provides a medium for the formation of disinfection byproducts. These byproducts include trihalomethanes (THMs) and haloacetic acids (HAAs). Drinking water containing these byproducts in excess of the MCL may lead to adverse health effects, liver or kidney problems, or nervous system effects, and may lead to an increased risk of getting cancer.
86. Control of DBP precursors (TOC) None TT

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

## I. Other Treatment Techniques:

|                     |      |    |   |
|---------------------|------|----|---|
| 87. Acrylamide      | Zero | TT | Some people who drink water containing high levels of acrylamide over a long period of time could have problems with their nervous system or blood, and may have an increased risk of getting cancer. |
| 88. Epichlorohydrin | Zero | TT | Some people who drink water containing high levels of epichlorohydrin over a long period of time could experience stomach problems, and may have an increased risk of getting cancer.                 |

## Appendix H--Endnotes

1. "MCLG" means maximum contaminant level goal.
2. "MCL" means maximum contaminant level.
3. For a water supplier analyzing at least 40 samples per month, no more than 5.0 percent of the monthly samples may be positive for total coliforms. For a supplier analyzing fewer than 40 samples per month, no more than one sample per month may be positive for total coliforms.
4. There are various regulations that set turbidity standards for different types of systems, including Section 611.320, the 1989 Surface Water Treatment Rule, and the 1998 Interim Enhanced Surface Water Treatment Rule. The MCL for the monthly turbidity average is 1 NTU; the MCL for the 2-day average is 5 NTU for a supplier that is required to filter but has not yet installed filtration (Section 611.320).
5. "NTU" means nephelometric turbidity unit.
6. There are various regulations that set turbidity standards for different types of systems, including Section 611.320, the 1989 Surface Water Treatment Rule (SWTR), and the 1998 Interim Enhanced Surface Water Treatment Rule (IESWTR). A supplier subject to the Surface Water Treatment Rule (both filtered and unfiltered) may not exceed 5 NTU. In addition, in filtered systems, 95 percent of samples each month must not exceed 0.5 NTU in systems using conventional or direct filtration and must not exceed 1 NTU in systems using slow sand or diatomaceous earth filtration or other filtration technologies approved by the Agency.
7. "TT" means treatment technique.
8. There are various regulations that set turbidity standards for different types of systems, including Section 611.320, the 1989 Surface Water Treatment Rule (SWTR), and the 1998 Interim Enhanced Surface Water Treatment Rule (IESWTR). For a supplier subject to the IESWTR (systems serving at

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- least 10,000 people, using surface water or groundwater under the direct influence of surface water), that use conventional filtration or direct filtration, after January 1, 2002, the turbidity level of a system's combined filter effluent may not exceed 0.3 NTU in at least 95 percent of monthly measurements, and the turbidity level of a system's combined filter effluent must not exceed 1 NTU at any time. A supplier subject to the IESWTR using technologies other than conventional, direct, slow sand, or diatomaceous earth filtration must meet turbidity limits set by the Agency.
9. The bacteria detected by heterotrophic plate count (HPC) are not necessarily harmful. HPC is simply an alternative method of determining disinfectant residual levels. The number of such bacteria is an indicator of whether there is enough disinfectant in the distribution system.
  10. SWTR and IESWTR treatment technique violations that involve turbidity exceedances may use the health effects language for turbidity instead.
  11. Millions of fibers per liter.
  12. Action Level = 0.015 mg/L.
  13. Action Level = 1.3 mg/L.
  14. Millirems per year.
  15. Picocuries per liter.
  16. A surface water system supplier or a groundwater system supplier under the direct influence of surface water are regulated under Subpart B of this Part. A Subpart B community water system supplier or a non-transient non-community system supplier that serves 10,000 or more persons must comply with DBP MCLs and disinfectant maximum residual disinfectant levels (MRDLs) beginning January 1, 2002. All other community and non-transient non-community system suppliers must meet the MCLs and MRDLs beginning January 1, 2004. Subpart B transient non-community system suppliers serving 10,000 or more persons and using chlorine dioxide as a disinfectant or oxidant must comply with the chlorine dioxide MRDL beginning January 1, 2002. Subpart B transient non-community system suppliers serving fewer than 10,000 persons and systems using only groundwater not under the direct influence of surface water and using chlorine dioxide as a disinfectant or oxidant must comply with the chlorine dioxide MRDL beginning January 1, 2004.
  17. The MCL of 0.10 mg/L for TTHMs is in effect until January 1, 2002 for a Subpart B community water system supplier serving 10,000 or more persons. This MCL is in effect until January 1, 2004 for community water systems with a population of 10,000 or more using only ground water not under the direct influence of surface water. After these deadlines, the MCL will be 0.080 mg/L. On January 1, 2004, a supplier serving less than 10,000 will have to comply with the new MCL as well.
  18. The MCL for total trihalomethanes is the sum of the concentrations of the individual trihalomethanes.
  19. The MCL for haloacetic acids is the sum of the concentrations of the individual haloacetic acids.
  20. "MRDLG" means maximum residual disinfectant level goal.
  21. "MRDL" means maximum residual disinfectant level.
- BOARD NOTE: Derived from Appendix B to Subpart Q to 40 CFR 141, as added at



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

65 Fed. Reg. 26043 (May 4, 2000).

## Microbiological Contaminants

1) Total Coliform--Coliforms are bacteria that are naturally present in the environment and are used as an indicator that other potentially harmful bacteria may be present. Coliforms were found in more samples than allowed and this was a warning of potential problems.

2) Fecal coliform/E. coli--Fecal coliforms and E. coli are bacteria whose presence indicates that the water may be contaminated with human or animal wastes. Microbes in these wastes can cause short-term effects, such as diarrhea, cramps, nausea, headaches, or other symptoms. They may pose a special health risk for infants, young children, and people with severely compromised immune systems.

3) Turbidity--Turbidity has no health effects. However, turbidity can interfere with disinfection and provide a medium for microbial growth. Turbidity may indicate the presence of disease-causing organisms. These organisms include bacteria, viruses, and parasites that can cause symptoms such as nausea, cramps, diarrhea, and associated headaches.

## Radioactive Contaminants

4) Beta/photon emitters--Certain minerals are radioactive and may emit forms of radiation known as photons and beta radiation. Some people who drink water containing beta and photon emitters in excess of the MCL over many years may have an increased risk of getting cancer.

5) Alpha emitters--Certain minerals are radioactive and may emit a form of radiation known as alpha radiation. Some people who drink water containing alpha emitters in excess of the MCL over many years may have an increased risk of getting cancer.

6) Combined Radium-226/228--Some people who drink water containing radium-226 or 228 in excess of the MCL over many years may have an increased risk of getting cancer.

## Inorganic Contaminants

7) Antimony--Some people who drink water containing antimony well in excess of the MCL over many years could experience increases in blood cholesterol and decreases in blood sugar.

8) Arsenic--Some people who drink water containing arsenic in excess of the MCL over many years could experience skin damage or problems with

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

their circulatory system, and may have an increased risk of getting cancer.

9) Asbestos--Some people who drink water containing asbestos in excess of the MCL over many years may have an increased risk of developing benign intestinal polyps.

10) Barium--Some people who drink water containing barium in excess of the MCL over many years could experience an increase in their blood pressure.

11) Beryllium--Some people who drink water containing beryllium well in excess of the MCL over many years could develop intestinal lesions.

12) Cadmium--Some people who drink water containing cadmium in excess of the MCL over many years could experience kidney damage.

13) Chromium--Some people who use water containing chromium well in excess of the MCL over many years could experience allergic dermatitis.

14) Copper--Copper is an essential nutrient, but some people who drink water containing copper in excess of the action level over a relatively short amount of time could experience gastrointestinal distress. Some people who drink water containing copper in excess of the action level over many years could suffer liver or kidney damage. People with Wilson's Disease should consult their personal doctor.

15) Cyanide--Some people who drink water containing cyanide well in excess of the MCL over many years could experience nerve damage or problems with their thyroid.

16) Fluoride--Some people who drink water containing fluoride in excess of the MCL over many years could get bone disease, including pain and tenderness of the bones. Children may get mottled teeth.

17) Lead--Infants and children who drink water containing lead in excess of the action level could experience delays in their physical or mental development. Children could show slight deficits in attention span and learning ability. Adults who drink this water over many years could develop kidney problems or high blood pressure.

18) Mercury (inorganic)--Some people who drink water containing inorganic mercury well in excess of the MCL over many years could experience kidney damage.

19) Nitrate--Infants below the age of six months who drink water containing nitrate in excess of the MCL could become seriously ill

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

and, if untreated, may die. Symptoms include shortness of breath and blue-baby syndrome.

20) Nitrite. Infants below the age of six months who drink water containing nitrite in excess of the MGB could become seriously ill and, if untreated, may die. Symptoms include shortness of breath and blue-baby syndrome.

21) Selenium. Selenium is an essential nutrient. However, some people who drink water containing selenium in excess of the MGB over many years could experience hair or fingernail loss, numbness in fingers or toes, or problems with their circulation.

22) Thallium. Some people who drink water containing thallium in excess of the MGB over many years could experience hair loss, changes in their blood, or problems with their kidneys, intestines, or liver.

## Synthetic Organic Contaminants Including Pesticides and Herbicides

23) 2,4-D. Some people who drink water containing the weed-killer 2,4-D well in excess of the MGB over many years could experience problems with their kidneys, liver, or adrenal glands.

24) 2,4,5-TP (Silvex). Some people who drink water containing silvex in excess of the MGB over many years could experience liver problems.

25) Acrylamide. Some people who drink water containing high levels of acrylamide over a long period of time could have problems with their nervous system or blood, and may have an increased risk of getting cancer.

26) Arochlor. Some people who drink water containing arochlor in excess of the MGB over many years could have problems with their eyes, liver, kidneys, or spleen, or experience anemia, and may have an increased risk of getting cancer.

27) Atrazine. Some people who drink water containing atrazine well in excess of the MGB over many years could experience problems with their cardiovascular system or reproductive difficulties.

28) Benzo(a)pyrene (PAH). Some people who drink water containing benzo(a)pyrene in excess of the MGB over many years may experience reproductive difficulties, and may have an increased risk of getting cancer.

29) Carbofuran. Some people who drink water containing carbofuran in excess of the MGB over many years could experience problems with their blood, or nervous or reproductive systems.

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

30) Endriane. Some people who drink water containing endriane in excess of the MGB over many years could experience problems with their liver or nervous system, and may have an increased risk of getting cancer.

31) Dalapon. Some people who drink water containing dalapon well in excess of the MGB over many years could experience minor kidney changes.

32) Di(2-ethylhexyl)adipate. Some people who drink water containing di(2-ethylhexyl)adipate well in excess of the MGB over many years could experience general toxic effects or reproductive difficulties.

33) Di(2-ethylhexyl)phthalate. Some people who drink water containing di(2-ethylhexyl)phthalate in excess of the MGB over many years may have problems with their liver, or experience reproductive difficulties, and may have an increased risk of getting cancer.

34) Dibromochloropropane (DBCP). Some people who drink water containing BCP in excess of the MGB over many years could experience reproductive difficulties, and may have an increased risk of getting cancer.

35) Dinoseb. Some people who drink water containing dinoseb well in excess of the MGB over many years could experience reproductive difficulties.

36) Dioxin (2,3,7,8-TCDD). Some people who drink water containing dioxin in excess of the MGB over many years could experience reproductive difficulties, and may have an increased risk of getting cancer.

37) Diquat. Some people who drink water containing diquat in excess of the MGB over many years could get cataracts.

38) Endothal. Some people who drink water containing endothal in excess of the MGB over many years could experience problems with their stomach or intestines.

39) Endrin. Some people who drink water containing endrin in excess of the MGB over many years could experience liver problems.

40) Epichlorohydrin. Some people who drink water containing high levels of epichlorohydrin over a long period of time could experience stomach problems, and may have an increased risk of getting cancer.

41) Ethylene dibromide. Some people who drink water containing ethylene dibromide in excess of the MGB over many years could experience problems with their liver, stomach, reproductive system, or kidneys, and may have an increased risk of getting cancer.

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- 42) Simazine---Some people who drink water containing simazine in excess of the MCB over many years could experience problems with their kidneys or reproductive difficulties.
- 43) Heptachlor---Some people who drink water containing heptachlor in excess of the MCB over many years could experience liver damage and may have an increased risk of getting cancer.
- 44) Heptachlor epoxide---Some people who drink water containing heptachlor epoxide in excess of the MCB over many years could experience liver damage and may have an increased risk of getting cancer.
- 45) Hexachlorobenzene---Some people who drink water containing hexachlorobenzene in excess of the MCB over many years could experience problems with their liver or kidneys or adverse reproductive effects and may have an increased risk of getting cancer.
- 46) Hexachlorocyclopentadiene---Some people who drink water containing hexachlorocyclopentadiene well in excess of the MCB over many years could experience problems with their kidneys or stomach.
- 47) Lindane---Some people who drink water containing lindane in excess of the MCB over many years could experience problems with their kidneys or liver.
- 48) Methoxychlor---Some people who drink water containing methoxychlor in excess of the MCB over many years could experience reproductive difficulties.
- 49) Oxamyl---[Vydate]---Some people who drink water containing oxamyl in excess of the MCB over many years could experience slight nervous system effects.
- 50) PCBs---[Polychlorinated biphenyls]---Some people who drink water containing PCBs in excess of the MCB over many years could experience changes in their skin, problems with their thyroid gland, immune deficiencies or reproductive or nervous system difficulties and may have an increased risk of getting cancer.
- 51) Pentachlorophenol---Some people who drink water containing pentachlorophenol in excess of the MCB over many years could experience problems with their liver or kidneys and may have an increased risk of getting cancer.
- 52) Picloram---Some people who drink water containing picloram in excess of the MCB over many years could experience problems with their liver.

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- 53) Simazine---Some people who drink water containing simazine in excess of the MCB over many years could experience problems with their blood.
- 54) Toxaphene---Some people who drink water containing toxaphene in excess of the MCB over many years could have problems with their kidneys, liver or thyroid and may have an increased risk of getting cancer.
- Volatile Organic Contaminants
- 55) Benzene---Some people who drink water containing benzene in excess of the MCB over many years could experience anemia or a decrease in blood platelets and may have an increased risk of getting cancer.
- 56) Carbon Tetrachloride---Some people who drink water containing carbon tetrachloride in excess of the MCB over many years could experience problems with their liver and may have an increased risk of getting cancer.
- 57) Chlorobenzene---Some people who drink water containing chlorobenzene in excess of the MCB over many years could experience problems with their liver or kidneys.
- 58) o-Dichlorobenzene---Some people who drink water containing o-dichlorobenzene well in excess of the MCB over many years could experience problems with their liver, kidneys or circulatory systems.
- 59) p-Dichlorobenzene---Some people who drink water containing p-dichlorobenzene in excess of the MCB over many years could experience anemia, damage to their liver, kidneys or spleen or changes in their blood.
- 60) 1,2-Dichloroethane---Some people who drink water containing 1,2-dichloroethane in excess of the MCB over many years may have an increased risk of getting cancer.
- 61) 1,1-Dichloroethylene---Some people who drink water containing 1,1-dichloroethylene in excess of the MCB over many years could experience problems with their liver.
- 62) cis-1,2-Dichloroethylene---Some people who drink water containing cis-1,2-dichloroethylene in excess of the MCB over many years could experience problems with their liver.
- 63) trans-1,2-Dichloroethylene---Some people who drink water containing trans-1,2-dichloroethylene well in excess of the MCB over many years could experience problems with their liver.
- 64) Bichloromethane---Some people who drink water containing



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

dichloromethane in excess of the MCB over many years could have liver problems and may have an increased risk of getting cancer.

65) 1,2-Dichloropropane-----Some people who drink water containing 1,2-dichloropropane in excess of the MCB over many years may have an increased risk of getting cancer.

66) Ethylbenzene-----Some people who drink water containing ethylbenzene well in excess of the MCB over many years could experience problems with their liver or kidneys.

67) Styrene-----Some people who drink water containing styrene well in excess of the MCB over many years could have problems with their liver, kidneys or circulatory system.

68) Tetrachloroethylene-----Some people who drink water containing tetrachloroethylene in excess of the MCB over many years could have problems with their liver and may have an increased risk of getting cancer.

69) 1,2,4-Trichlorobenzene-----Some people who drink water containing 1,2,4-trichlorobenzene well in excess of the MCB over many years could experience changes in their adrenal glands.

70) 1,1,1-Trichloroethane-----Some people who drink water containing 1,1,1-trichloroethane in excess of the MCB over many years could experience problems with their liver, nervous system or circulatory system.

71) 1,1,2-Trichloroethane-----Some people who drink water containing 1,1,2-trichloroethane well in excess of the MCB over many years could have problems with their liver, kidneys or immune systems.

72) Trichloroethylene-----Some people who drink water containing trichloroethylene in excess of the MCB over many years could experience problems with their liver and may have an increased risk of getting cancer.

73) TTHMs (Total Trihalomethanes)-----Some people who drink water containing trihalomethanes in excess of the MCB over many years may experience problems with their liver, kidneys or central nervous systems and may have an increased risk of getting cancer.

74) Toluene-----Some people who drink water containing toluene well in excess of the MCB over many years could have problems with their nervous system, kidneys or liver.

75) Vinyl Chloride-----Some people who drink water containing vinyl chloride

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

in excess of the MCB over many years may have an increased risk of getting cancer.

76) Xylenes-----Some people who drink water containing xylenes in excess of the MCB over many years could experience damage to their nervous system.

(Source: Former Section 611, Appendix H repealed and new Section 611, Appendix H added at 25 Ill. Reg. 100.0.0.0 effective 10/1/00)



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

## Section 611. APPENDIX I Acronyms Used in Public Notification Regulation

|        |  |
|--------|--|
| CCR    | Consumer Confidence Report                       |
| CWS    | Community Water System                           |
| DBP    | Disinfection Byproduct                           |
| HPC    | Heterotrophic Plate Count                        |
| IESWTR | Interim Enhanced Surface Water Treatment Rule    |
| IOC    | Inorganic Chemical                               |
| LCR    | Lead and Copper Rule                             |
| MCL    | Maximum Contaminant Level                        |
| MCLG   | Maximum Contaminant Level Goal                   |
| MRDL   | Maximum Residual Disinfectant Level              |
| MRDLG  | Maximum Residual Disinfectant Level Goal         |
| NCWS   | Non-Community Water System                       |
| NPDWR  | National Primary Drinking Water Regulation       |
| NTNCWS | Non-Transient Non-Community Water System         |
| NTU    | Nephelometric Turbidity Unit                     |
| OGWDW  | USEPA, Office of Ground Water and Drinking Water |
| OW     | USEPA, Office of Water                           |
| PN     | Public Notification                              |
| PWS    | Public Water System                              |
| SDWA   | Safe Drinking Water Act                          |
| SMCL   | Secondary Maximum Contaminant Level              |
| SOC    | Synthetic Organic Chemical                       |
| SWTR   | Surface Water Treatment Rule                     |
| TCR    | Total Coliform Rule                              |
| TT     | Treatment Technique                              |
| TWS    | Transient Non-Community Water System             |
| USEPA  | United States Environmental Protection Agency    |
| VOC    | Volatile Organic Chemical                        |

BOARD NOTE: Derived from Appendix C to Subpart Q to 40 CFR 141, as added at 65 Fed. Reg. 26048 (May 4, 2000).

(Source: Added at 25 Ill. Reg. 1209.5 effective JAN 11/2000)

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

## Section 611. TABLE G Summary of Section 611.357 Monitoring Section--611-357 Requirements for Water Quality Parameters(1)

See end note 1 below.

| Monitoring Period                                 | Parameters(2)   | Location  | Frequency                                    |
|---|---|---|--|
| Initial Monitoring                                | pH, alkalinity, orthophosphate or silica (3) (3), calcium, conductivity, temperature  | Taps and at entry points, points to the distribution system | Every six months                             |
| After Installation of corrosion control Control   | pH, alkalinity, orthophosphate or silica(3), calcium(4)   | Taps  | Every six months                             |
| After Installation of Corrosion Control           | pH, alkalinity dosage rate and concentration (if alkalinity is adjusted as part of corrosion control), inhibitor dosage rate and inhibitor residual esides(5) | Entry points to the distribution system(6)                  | No less than frequently than every two weeks |
| After the State Agency Specifies Parameter values | pH, alkalinity, orthophosphate or silica(3), calcium(4)   | Taps  | Every six months                             |



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Sewer Discharge Criteria
- 2) Code Citation: 35 Ill. Adm. Code 307
- 3) Section Numbers:  
     307.1503      Adopted Action:  
     307.5401      Amended  
     307.5500      Added  
     307.5501      Added  
     307.5502      Added
- 4) Statutory Authority: 415 ILCS 5/7.2, 13, 13.3 and 27
- 5) Effective Date of Rulemaking: January 11, 2001
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes. Sections 307.5401, 307.5500, 307.5501, and 307.5502 include a number of new incorporations by reference.
- 8) Statement of availability: The adopted amendments, a copy of the Board's opinion and order adopted January 4, 2001, and all materials incorporated by reference are on file at the Board's principal office and are available for public inspection and copying.
- 9) Notice of Proposal Published in Illinois Register: November 13, 2000, 24 Ill. Reg. 16521

- 10) Has JCAR issued a Statement of Objection to these amendments? No. Section 13.3 of the Environmental Protection Act [415 ILCS 5/13.3] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or Second Notice review by the Joint Committee on Administrative Rules (JCAR).

- 11) Differences between proposal and final version: The following table summarizes the differences between the amendments proposed by the Board in an opinion and order dated October 19, 2000, in docket R01-5, and the amendments adopted by the Board in an opinion and order dated January 4, 2001;

| Section Revised | Source(s) of Revision(s) | Revision(s)   |
|-----------------|--------------------------|---|
| 307.1503(c)     | JCAR, Board              | Added "as amended" after (1994),; added comma after 33926; added "of this |

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|             |             |                             |
|-------------|-------------|-----------------------------|
| 307.1503(d) | JCAR        | Section"                    |
| 307.5401(a) | JCAR, Board | Added comma after 33926     |
|             |             | Changed "Section            |
|             |             | 307.5401(a)(1)" to          |
|             |             | "subsection (a)(1) of this  |
|             |             | Section"; added "of this    |
|             |             | Section"                    |
| 307.5401(c) | Board       | Added "65 Fed. Reg. 70314,  |
|             |             | November 22, 2000)          |
| 307.5401(d) | JCAR        | Added ", 2000"; Changed     |
|             |             | "Section 307.5401(d)(1)" to |
|             |             | "subsection (d)(1) of this  |
|             |             | Section"                    |
| 304.5401(e) | JCAR        | Changed "Section            |
|             |             | 307.5401(e)(1)" to          |
|             |             | "subsection (e)(1) of this  |
|             |             | Section"                    |
| 307.5500(a) | JCAR        | Changed "Section            |
|             |             | 307.5500(a)(1)" to          |
|             |             | "subsection (a)(1) of this  |
|             |             | Section"                    |
| 307.5501(a) | JCAR        | Deleted "Part" (twice);     |
|             |             | Changed hyphen to space     |
|             |             | (twice)                     |
| 307.5501(b) | JCAR        | Changed "Section            |
|             |             | 307.5501(b)(1)" to          |
|             |             | "subsection (b)(1) of this  |
|             |             | Section"                    |
| 307.5501(c) | Board       | Changed "Section            |
|             |             | 307.5501(c)(1)" to          |
|             |             | "subsection (c)(1) of this  |
|             |             | Section"                    |
| 307.5502(a) | JCAR        | Deleted "Part" (twice)      |
| 307.5502(b) | JCAR        | Changed "Section            |
|             |             | 307.5502(b)(1)" to          |
|             |             | "subsection (b)(1) of this  |
|             |             | Section"                    |
| 307.5502(c) | JCAR        | Changed "Section            |
|             |             | 307.5502(c)(1)" to          |
|             |             | "subsection (c)(1) of this  |
|             |             | Section"                    |

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Section 13.3 of the Environmental Protection Act [415 ILCS 5/13.3] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

by JCAR.

During the course of this proceeding, JCAR staff has recommended that the Board non-substantively revise certain segments of text. The Board has incorporated the suggested revisions or explained to JCAR staff why the suggested revision was not possible.

- 13) Will this rulemaking replace an emergency rulemaking currently in effect?  
No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: A more detailed description is contained in the Board's opinion and order of January 4, 2001 in R01-5, which opinion and order is available from the address below.
- The R01-5 proceeding updates the Board's wastewater pretreatment rules to correspond with amendments adopted by USEPA that appeared in the Federal Register during the period January 1, 2000, through June 30, 2000.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Steven C. Langhoff  
Attorney  
Illinois Pollution Control Board  
600 S. Second Street, Suite 402  
Springfield IL 62704  
217-782-2615

Request copies of the Board's opinion and order of R01-5 from Don Brown, at 312-814-3461.

The full text of the Adopted Amendments begins on the next page:

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE C: WATER POLLUTION  
CHAPTER I: POLLUTION CONTROL BOARD

## PART 307

## SEWER DISCHARGE CRITERIA

## SUBPART A: GENERAL PROVISIONS

|          |  |
|----------|--|
| Section  | Preamble (Renumbered)                      |
| 307.101  | General Requirements (Renumbered)          |
| 307.102  | Mercury (Renumbered)                       |
| 307.103  | Cyanide (STORET number 00720) (Renumbered) |
| 307.104  | Pretreatment Requirements (Repealed)       |
| 307.105  | Preamble                                   |
| 307.1001 | Definitions                                |
| 307.1002 | Test Procedures for Measurement            |
| 307.1003 | Toxic Pollutants                           |
| 307.1005 |  |

## SUBPART B: GENERAL AND SPECIFIC PRETREATMENT REQUIREMENTS

|          |                                   |
|----------|-----------------------------------|
| Section  | General and Specific Requirements |
| 307.1101 | Mercury                           |
| 307.1102 | Cyanide                           |
| 307.1103 |                                   |

## SUBPART F: DAIRY PRODUCTS PROCESSING

|          |  |
|----------|--|
| Section  | Receiving Stations   |
| 307.1501 | Fluid Products   |
| 307.1502 | Cultured Products  |
| 307.1503 | Butter   |
| 307.1504 | Cottage Cheese and Cultured Cream Cheese                       |
| 307.1505 | Natural and Processed Cheese                                   |
| 307.1506 | Fluid Mix for Ice Cream and other Frozen Desserts              |
| 307.1507 | Ice Cream, Frozen Desserts, Novelties and Other Dairy Desserts |
| 307.1508 | Condensed Milk   |
| 307.1509 | Dry Milk   |
| 307.1510 | Condensed Whey   |
| 307.1511 | Dry Whey   |
| 307.1512 |  |

## SUBPART G: GRAIN MILLS

|          |                  |
|----------|------------------|
| Section  | Corn Wet Milling |
| 307.1601 | Corn Dry Milling |
| 307.1602 |                  |



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

307.1603 Normal Wheat Flour Milling  
 307.1604 Bulgur Wheat Flour Milling  
 307.1605 Normal Rice Milling  
 307.1606 Parboiled Rice Milling  
 307.1607 Animal Feed  
 307.1608 Hot Cereal  
 307.1609 Ready-to-eat Cereal  
 307.1610 Wheat Starch and Gluten

## SUBPART H: CANNED AND PRESERVED FRUITS AND VEGETABLES

Section  
 307.1700 General Provisions  
 307.1701 Apple Juice  
 307.1702 Apple Products  
 307.1703 Citrus Products  
 307.1704 Frozen Potato Products  
 307.1705 Dehydrated Potato Products  
 307.1706 Canned and Preserved Fruits  
 307.1707 Canned and Preserved Vegetables  
 307.1708 Canned and Miscellaneous Specialties

## SUBPART I: CANNED AND PRESERVED SEAFOOD

Section  
 307.1801 Farm-raised Catfish  
 307.1815 Fish Meal Processing Subcategory

## SUBPART J: SUGAR PROCESSING

Section  
 307.1901 Beet Sugar Processing  
 307.1902 Crystalline Cane Sugar Refining  
 307.1903 Liquid Cane Sugar Refining

## SUBPART K: TEXTILE MILLS

Section  
 307.2000 General Provisions  
 307.2001 Wool Scouring  
 307.2002 Wool Finishing  
 307.2003 Low Water Use Processing  
 307.2004 Woven Fabric Finishing  
 307.2005 Knit Fabric Finishing  
 307.2006 Carpet Finishing  
 307.2007 Stock and Yarn Finishing  
 307.2008 Nonwoven Manufacturing  
 307.2009 Felted Fabric Processing

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

## SUBPART L: CEMENT MANUFACTURING

Section  
 307.2101 Nonleaching  
 307.2102 Leaching  
 307.2103 Materials Storage Piles Runoff

## SUBPART M: FEEDLOTS

Section  
 307.2201 General  
 307.2202 Ducks

## SUBPART N: ELECTROPLATING

Section  
 307.2300 General Provisions  
 307.2301 Electroplating of Common Metals  
 307.2302 Electroplating of Precious Metals  
 307.2304 Anodizing  
 307.2305 Coatings  
 307.2306 Chemical Etching and Milling  
 307.2307 Electroless Plating  
 307.2308 Printed Circuit Boards

## SUBPART O: ORGANIC CHEMICALS, PLASTICS AND SYNTHETIC FIBERS

Section  
 307.2400 General Provisions  
 307.2401 Rayon Fibers  
 307.2402 Other Fibers  
 307.2403 Thermoplastic Resins  
 307.2404 Thermosetting Resins  
 307.2405 Commodity Organic Chemicals  
 307.2406 Bulk Organic Chemicals  
 307.2407 Specialty Organic Chemicals  
 307.2410 Indirect Discharge Point Sources  
 307.2490 Non-complexed Metal-bearing and Cyanide-bearing Wastestreams  
 307.2491 Complexed Metal-bearing Wastestreams

## SUBPART P: INORGANIC CHEMICALS MANUFACTURING

Section  
 307.2500 General Provisions  
 307.2501 Aluminum Chloride Production  
 307.2502 Aluminum Sulfate Production  
 307.2503 Calcium Carbide Production  
 307.2504 Calcium Chloride Production

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|          |  |
|----------|--|
| 307.2505 | Calcium Oxide Production   |
| 307.2506 | Chlor-alkali Process (Chlorine and Sodium or Potassium Hydroxide Production) |
| 307.2508 | Hydrofluoric Acid Production   |
| 307.2509 | Hydrogen Peroxide Production   |
| 307.2511 | Potassium Metal Production   |
| 307.2512 | Potassium Dichromate Production  |
| 307.2513 | Potassium Sulfate Production   |
| 307.2514 | Sodium Bicarbonate Production  |
| 307.2516 | Sodium Chloride Production   |
| 307.2517 | Sodium Dichromate and Sodium Sulfate Production                              |
| 307.2520 | Sodium Sulfite Production  |
| 307.2522 | Titanium Dioxide Production  |
| 307.2523 | Aluminum Fluoride Production   |
| 307.2524 | Ammonium Chloride Production   |
| 307.2527 | Borax Production   |
| 307.2528 | Boric Acid Production  |
| 307.2529 | Bromine Production   |
| 307.2530 | Calcium Carbonate Production   |
| 307.2531 | Calcium Hydroxide Production   |
| 307.2533 | Carbon Monoxide and Byproduct Hydrogen Production                            |
| 307.2534 | Chrome Pigments Production   |
| 307.2535 | Chromic Acid Production  |
| 307.2536 | Copper Salts Production  |
| 307.2538 | Ferric Chloride Production   |
| 307.2540 | Fluorine Production  |
| 307.2541 | Hydrogen Production  |
| 307.2542 | Hydrogen Cyanide Production  |
| 307.2543 | Iodine Production  |
| 307.2544 | Lead Monoxide Production   |
| 307.2545 | Lithium Carbonate Production   |
| 307.2547 | Nickel Salts Production  |
| 307.2549 | Oxygen and Nitrogen Production   |
| 307.2550 | Potassium Chloride Production  |
| 307.2551 | Potassium Iodide Production  |
| 307.2553 | Silver Nitrate Production  |
| 307.2554 | Sodium Bisulfite Production  |
| 307.2555 | Sodium Fluoride Production   |
| 307.2560 | Stannic Oxide Production   |
| 307.2563 | Zinc Sulfate Production  |
| 307.2564 | Cadmium Pigments and Salts Production  |
| 307.2565 | Cobalt Salts Production  |
| 307.2566 | Sodium Chlorate Production   |
| 307.2567 | Zinc Chloride Production   |

## SUBPART R: SOAP AND DETERGENTS

Section

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|          |   |
|----------|---|
| 307.2701 | Soap Manufacturing by Batch Kettle                        |
| 307.2702 | Fatty Acid Manufacturing by Fat Splitting                 |
| 307.2703 | Soap Manufacturing by Fatty Acid Neutralization           |
| 307.2704 | Glycerine Concentration                                   |
| 307.2705 | Glycerine Distillation                                    |
| 307.2706 | Manufacture of Soap Flakes and Powders                    |
| 307.2707 | Manufacture of Bar Soaps                                  |
| 307.2708 | Manufacture of Liquid Soaps                               |
| 307.2709 | Oleum Sulfonation and Sulfation                           |
| 307.2710 | Air-Sulfur Trioxide Sulfation and Sulfonation             |
| 307.2711 | Sulfur Trioxide Solvent and Vacuum Sulfonation            |
| 307.2712 | Sulfamic Acid Sulfation                                   |
| 307.2713 | Chlorosulfonic Acid Sulfation                             |
| 307.2714 | Neutralization of Sulfuric Acid Esters and Sulfonic Acids |
| 307.2715 | Manufacture of Spray Dried Detergents                     |
| 307.2716 | Manufacture of Liquid Detergents                          |
| 307.2717 | Manufacturing of Detergents by Dry Blending               |
| 307.2718 | Manufacture of Drum Dried Detergents                      |
| 307.2719 | Manufacture of Detergent Bars and Cakes                   |

## SUBPART S: FERTILIZER MANUFACTURING

|          |                                       |
|----------|---------------------------------------|
| Section  |                                       |
| 307.2801 | Phosphate                             |
| 307.2802 | Ammonia                               |
| 307.2803 | Urea                                  |
| 307.2804 | Ammonium Nitrate                      |
| 307.2805 | Nitric Acid                           |
| 307.2806 | Ammonium Sulfate Production           |
| 307.2807 | Mixed and Blend Fertilizer Production |

## SUBPART T: PETROLEUM REFINING

|          |               |
|----------|---------------|
| Section  |               |
| 307.2901 | Topping       |
| 307.2902 | Cracking      |
| 307.2903 | Petrochemical |
| 307.2904 | Lube          |
| 307.2905 | Integrated    |

## SUBPART U: IRON AND STEEL MANUFACTURING

|          |                    |
|----------|--------------------|
| Section  |                    |
| 307.3000 | General Provisions |
| 307.3001 | Cokemaking         |
| 307.3002 | Sintering          |
| 307.3003 | Ironmaking         |
| 307.3004 | Steelmaking        |

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|  |   |
|--|---|
| 307.3005                                   | Vacuum Degassing                            |
| 307.3006                                   | Continuous Casting                          |
| 307.3007                                   | Hot Forming                                 |
| 307.3008                                   | Salt Bath Descaling                         |
| 307.3009                                   | Acid Pickling                               |
| 307.3010                                   | Cold Forming                                |
| 307.3011                                   | Alkaline Cleaning                           |
| 307.3012                                   | Hot Coating                                 |
| SUBPART V: NONFERROUS METALS MANUFACTURING |   |
| Section                                    |   |
| 307.3100                                   | General Provisions                          |
| 307.3101                                   | Bauxite Refining                            |
| 307.3102                                   | Primary Aluminum Smelting                   |
| 307.3103                                   | Secondary Aluminum Smelting                 |
| 307.3104                                   | Primary Copper Smelting                     |
| 307.3105                                   | Primary Electrolytic Copper Refining        |
| 307.3106                                   | Secondary Copper                            |
| 307.3107                                   | Primary Lead                                |
| 307.3108                                   | Primary Zinc                                |
| 307.3109                                   | Metallurgical Acid Plants                   |
| 307.3110                                   | Primary Tungsten                            |
| 307.3111                                   | Primary Columbium-Tantalum                  |
| 307.3112                                   | Secondary Silver                            |
| 307.3113                                   | Secondary Lead                              |
| 307.3114                                   | Primary Antimony                            |
| 307.3115                                   | Primary Beryllium                           |
| 307.3116                                   | Primary and Secondary Germanium and Gallium |
| 307.3117                                   | Secondary Indium                            |
| 307.3118                                   | Secondary Mercury                           |
| 307.3119                                   | Primary Molybdenum and Rhenium              |
| 307.3120                                   | Secondary Molybdenum and Vanadium           |
| 307.3121                                   | Primary Nickel and Cobalt                   |
| 307.3122                                   | Secondary Nickel                            |
| 307.3123                                   | Primary Precious Metals and Mercury         |
| 307.3124                                   | Secondary Precious Metals                   |
| 307.3125                                   | Primary Rare Earth Metals                   |
| 307.3126                                   | Secondary Tantalum                          |
| 307.3127                                   | Secondary Tin                               |
| 307.3128                                   | Primary and Secondary Titanium              |
| 307.3129                                   | Secondary Tungsten and Cobalt               |
| 307.3130                                   | Secondary Uranium                           |
| 307.3131                                   | Primary Zirconium and Hafnium               |
| SUBPART X: STEAM ELECTRIC POWER GENERATING |   |

Section

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|  |  |
|--|--|
| 307.3301                                 | Steam Electric Power Generating  |
| SUBPART Y: FERROALLOY MANUFACTURING      |  |
| Section                                  |  |
| 307.3401                                 | Open Electric Furnaces With Wet Air Pollution Control Devices                                  |
| 307.3402                                 | Covered Electric Furnaces and Other Smelting Operations with Wet Air Pollution Control Devices |
| 307.3403                                 | Slag Processing  |
| 307.3404                                 | Covered Calcium Carbide Furnaces With Wet Air Pollution Control Devices                        |
| 307.3405                                 | Other Calcium Carbide Furnaces   |
| 307.3406                                 | Electrolytic Manganese Products  |
| 307.3407                                 | Electrolytic Chromium  |
| SUBPART Z: LEATHER TANNING AND FINISHING |  |
| Section                                  |  |
| 307.3500                                 | General Provisions   |
| 307.3501                                 | Hair Pulp, Chrome Tan, Retan-Wet Finish  |
| 307.3502                                 | Hair Save, Chrome Tan, Retan-Wet Finish  |
| 307.3503                                 | Hair Save or Pulp, Non-Chrome Tan, Retan-Wet Finish  |
| 307.3504                                 | Retan-Wet Finish-Sides   |
| 307.3505                                 | No Beamhouse   |
| 307.3506                                 | Through-the-Blue   |
| 307.3507                                 | Shearling  |
| 307.3508                                 | Pigskin  |
| 307.3509                                 | Retan-Wet Finish-Splits  |
| 307.3590                                 | Potassium Ferricyanide Titration Method  |
| SUBPART BA: GLASS MANUFACTURING          |  |
| Section                                  |  |
| 307.3601                                 | Insulation Fiberglass  |
| 307.3602                                 | Sheet Glass Manufacturing  |
| 307.3603                                 | Rolled Glass Manufacturing   |
| 307.3604                                 | Plate Glass Manufacturing  |
| 307.3605                                 | Float Glass Manufacturing  |
| 307.3606                                 | Automotive Glass Tempering   |
| 307.3607                                 | Automotive Glass Laminating  |
| 307.3608                                 | Glass Container Manufacturing  |
| 307.3610                                 | Glass Tubing (Danner) Manufacturing  |
| 307.3611                                 | Television Picture Tube Envelope Manufacturing   |
| 307.3612                                 | Incandescent Lamp Envelope Manufacturing   |
| 307.3613                                 | Hand Pressed and Blown Glass Manufacturing   |
| SUBPART BB: ASBESTOS MANUFACTURING       |  |

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

## Section

307.3701 Asbestos-Cement Pipe  
 307.3702 Asbestos-Cement Sheet  
 307.3703 Asbestos Paper (Starch Binder)  
 307.3704 Asbestos Paper (Elastomeric Binder)  
 307.3705 Asbestos Millboard  
 307.3706 Asbestos Roofing  
 307.3707 Asbestos Floor Tile  
 307.3708 Coating or Finishing of Asbestos Textiles  
 307.3709 Solvent Recovery  
 307.3710 Vapor Absorption  
 307.3711 Wet Dust Collection

## SUBPART BC: RUBBER MANUFACTURING

## Section

307.3801 Tire and Inner Tube Plants  
 307.3802 Emulsion Crumb Rubber  
 307.3803 Solution Crumb Rubber  
 307.3804 Latex Rubber  
 307.3805 Small-Sized General Molded, Extruded and Fabricated Rubber Plants  
 307.3806 Medium-Sized General Molded, Extruded and Fabricated Rubber Plants  
 307.3807 Large-Sized General Molded, Extruded and Fabricated Rubber Plants  
 307.3808 Wet Digestion Reclaimed Rubber  
 307.3809 Pan, Dry Digestion and Mechanical Reclaimed Rubber  
 307.3810 Latex-Dipped, Latex-Extruded and Latex-Molded Rubber  
 307.3811 Latex Foam

## SUBPART BD: TIMBER PRODUCTS PROCESSING

## Section

307.3900 General Provisions  
 307.3901 Barking  
 307.3902 Veneer  
 307.3903 Plywood  
 307.3904 Dry Process Hardboard  
 307.3905 Wet Process Hardboard  
 307.3906 Wood Preserving-Water Borne or Nonpressure  
 307.3907 Wood Preserving-Steam  
 307.3908 Wood Preserving-Boulton  
 307.3909 Wet Storage  
 307.3910 Log Washing  
 307.3911 Sawmills and Planing Mills  
 307.3912 Finishing  
 307.3913 Particleboard Manufacturing  
 307.3914 Insulation Board  
 307.3915 Wood Furniture and Fixture Production Without Water Wash Spray Booth(s) or Without Laundry Facilities

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

307.3916 Wood Furniture and Fixture Production with Water Wash Spray Booth(s) or With Laundry Facilities

## SUBPART BE: PULP, PAPER AND PAPERBOARD

## Section

307.4000 General Provisions  
 307.4001 Dissolving Kraft  
 307.4002 Bleached Papergrade Kraft and Soda  
 307.4003 Unbleached Kraft  
 307.4004 Dissolving Sulfite  
 307.4005 Papergrade Sulfite  
 307.4006 Semi-Chemical  
 307.4007 Mechanical Pulp  
 307.4008 Non-Wood Chemical Pulp  
 307.4009 Secondary Fiber Deink  
 307.4010 Secondary Fiber Non-Deink  
 307.4011 Fine and Lightweight Papers from Purchased Pulp  
 307.4012 Tissue, Filter, Non-Woven, and Paperboard from Purchased Pulp  
 307.4013 Groundwood-Thermo-Mechanical (Repealed)  
 307.4014 Groundwood-CMN Papers (Repealed)  
 307.4015 Groundwood-Fine Papers (Repealed)  
 307.4016 Soda (Repealed)  
 307.4017 Deink (Repealed)  
 307.4018 Nonintegrated-Fine Papers (Repealed)  
 307.4019 Nonintegrated-Tissue Papers (Repealed)  
 307.4020 Tissue From Wastepaper (Repealed)  
 307.4021 Papergrade Sulfite (Drum Wash) (Repealed)  
 307.4022 Unbleached Kraft and Semi-Chemical (Repealed)  
 307.4023 Wastepaper-Molded Products (Repealed)  
 307.4024 Nonintegrated-Lightweight Papers (Repealed)  
 307.4025 Nonintegrated-Filter and Nonwoven Papers (Repealed)  
 307.4026 Nonintegrated-Paperboard (Repealed)

## SUBPART BF: BUILDERS' PAPER AND BOARD MILLS (Repealed)

## Section

307.4101 Builder's Paper and Roofing Felt (Repealed)

## SUBPART BG: MEAT PRODUCTS

## Section

307.4201 Simple Slaughterhouse  
 307.4202 Complex Slaughterhouse  
 307.4203 Low-Processing Packinghouse  
 307.4204 High-Processing Packinghouse  
 307.4205 Small Processor  
 307.4206 Meat Cutter



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

307.4207 Sausage and Luncheon Meats Processor  
 307.4208 Ham Processor  
 307.4209 Canned Meats Processor  
 307.4210 Renderer

## SUBPART BH: METAL FINISHING

Section  
 307.4300 General Provisions  
 307.4301 Metal Finishing

## SUBPART BN: PHARMACEUTICAL MANUFACTURING

Section  
 307.4900 General Provisions  
 307.4901 Fermentation Products  
 307.4902 Extraction Products  
 307.4903 Chemical Synthesis Products  
 307.4904 Mixing/Compounding and Formulation  
 307.4905 Research (Repealed)

## SUBPART BR: PAVING AND ROOFING MATERIALS (TARS AND ASPHALT)

Section  
 307.5301 Asphalt Emulsion  
 307.5302 Asphalt Concrete  
 307.5303 Asphalt Roofing  
 307.5304 Linoleum and Printed Asphalt Felt

## SUBPART BS: WASTE COMBUSTORS

Section  
 307.5401 Commercial Hazardous Waste Combustor

## SUBPART BT: LANDFILLS

Section  
 307.5500 General Provisions  
 307.5501 RCRA Subtitle C Hazardous Waste Landfill  
 307.5502 RCRA Subtitle D Non-Hazardous Waste Landfill

## SUBPART BU: PAINT FORMULATING

Section  
 307.5601 Oil-Base Solvent Wash Paint

## SUBPART BV: INK FORMULATING

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

Section  
 307.5701 Oil-Base Solvent Wash Ink

## SUBPART CD: PESTICIDE CHEMICALS

Section  
 307.6500 General Provisions  
 307.6501 Organic Pesticide Chemicals Manufacturing  
 307.6502 Metallo-Organic Pesticides Chemicals Manufacturing  
 307.6503 Pesticide Chemicals Formulating and Packaging  
 307.6505 Repackaging of Agricultural Pesticides Performed at Refilling Establishments

## SUBPART CG: CARBON BLACK MANUFACTURING

Section  
 307.6801 Carbon Black Furnace Process  
 307.6802 Carbon Black Thermal Process  
 307.6803 Carbon Black Channel Process  
 307.6804 Carbon Black Lamp Process

## SUBPART CJ: BATTERY MANUFACTURING

Section  
 307.7100 General Provisions  
 307.7101 Cadmium  
 307.7102 Calcium  
 307.7103 Lead  
 307.7104 Leclanche  
 307.7105 Lithium  
 307.7106 Magnesium  
 307.7107 Zinc

## SUBPART CL: PLASTICS MOLDING AND FORMING

Section  
 307.7300 General Provisions  
 307.7301 Contact Cooling and Heating Water  
 307.7302 Cleaning Water  
 307.7303 Finishing Water

## SUBPART CM: METAL MOLDING AND CASTING

Section  
 307.7400 General Provisions  
 307.7401 Aluminum Casting  
 307.7402 Copper Casting  
 307.7403 Ferrous Casting

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|                                 |                           |
|---------------------------------|---------------------------|
| 307.7404                        | Zinc Casting              |
| SUBPART CN: COIL COATING        |                           |
| Section                         |                           |
| 307.7500                        | General Provisions        |
| 307.7501                        | Steel Basis Material      |
| 307.7502                        | Galvanized Basis Material |
| 307.7503                        | Aluminum Basis Material   |
| 307.7504                        | Canmaking                 |
| SUBPART CO: PORCELAIN ENAMELING |                           |

|                              |                                 |
|------------------------------|---------------------------------|
| Section                      |                                 |
| 307.7600                     | General Provisions              |
| 307.7601                     | Steel Basis Material            |
| 307.7602                     | Cast Iron Basis Material        |
| 307.7603                     | Aluminum Basis Material         |
| 307.7604                     | Copper Basis Material           |
| SUBPART CP: ALUMINUM FORMING |                                 |
| Section                      |                                 |
| 307.7700                     | General Provisions              |
| 307.7701                     | Rolling With Neat Oils          |
| 307.7702                     | Rolling With Emulsions          |
| 307.7703                     | Extrusion                       |
| 307.7704                     | Forging                         |
| 307.7705                     | Drawing With Neat Oils          |
| 307.7706                     | Drawing With Emulsions or Soaps |

|                            |                          |
|----------------------------|--------------------------|
| SUBPART CQ: COPPER FORMING |                          |
| Section                    |                          |
| 307.7800                   | General Provisions       |
| 307.7801                   | Copper Forming           |
| 307.7802                   | Beryllium Copper Forming |

## SUBPART CR: ELECTRICAL AND ELECTRONIC COMPONENTS

|          |                       |
|----------|-----------------------|
| Section  |                       |
| 307.7901 | Semiconductor         |
| 307.7902 | Electronic Crystals   |
| 307.7903 | Cathode Ray Tube      |
| 307.7904 | Luminescent Materials |

## SUBPART CT: NONFERROUS METALS FORMING AND METAL POWDERS

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

|          |                           |
|----------|---------------------------|
| Section  |                           |
| 307.8100 | General Provisions        |
| 307.8101 | Lead-Tin-Bismuth Forming  |
| 307.8102 | Magnesium Forming         |
| 307.8103 | Nickel-Cobalt Forming     |
| 307.8104 | Precious Metals Forming   |
| 307.8105 | Refractory Metals Forming |
| 307.8106 | Titanium Forming          |
| 307.8107 | Uranium Forming           |
| 307.8108 | Zinc Forming              |
| 307.8109 | Zirconium-Hafnium Forming |
| 307.8110 | Metal Powders             |

## APPENDIX A References to Previous Rules (Repealed)

AUTHORITY: Implementing Sections 7.2, 13, and 13.3 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 13, 13.3, and 27].

SOURCE: Adopted in R70-5, at 1 PCB 426, March 31, 1971; amended in R71-14, at 4 PCB 3, March 7, 1972; amended in R74-3, at 19 PCB 182, October 30, 1975; amended in R74-15, 16, at 31 PCB 405, at 2 Ill. Reg. 44, p. 151, effective November 2, 1978; amended in R76-17, at 31 PCB 713, at 2 Ill. Reg. 45, p. 101, effective November 5, 1978; amended in R76-21, at 44 PCB 203, at 6 Ill. Reg. 563, effective December 24, 1981; codified at 6 Ill. Reg. 7818; amended in R82-5, 10, at 54 PCB 411, at 8 Ill. Reg. 1625, effective January 18, 1984; amended in R86-44 at 12 Ill. Reg. 2592, effective January 13, 1988; amended in R88-11 at 12 Ill. Reg. 13094, effective July 29, 1988; amended in R88-18 at 13 Ill. Reg. 1794, effective January 31, 1989; amended in R89-3 at 13 Ill. Reg. 19288, effective November 17, 1989; amended in R88-9 at 14 Ill. Reg. 3100, effective February 20, 1990; amended in R89-12 at 14 Ill. Reg. 7620, effective May 8, 1990; amended in R91-5 at 16 Ill. Reg. 7377, effective April 27, 1992; amended in R93-2 at 17 Ill. Reg. 19483, effective October 29, 1993; amended in R94-10 at 19 Ill. Reg. 9142, effective June 23, 1995; amended in R95-22 at 20 Ill. Reg. 5549, effective April 1, 1996; amended in R97-23 at 21 Ill. Reg. 11930, effective August 12, 1997; amended in R99-4 at 23 Ill. Reg. 4413, effective March 31, 1999; amended in R99-17 at 23 Ill. Reg. 8421, effective July 12, 1999; amended in R00-15 at 24 Ill. Reg. 11640, effective July 24, 2000; amended in R01-5 at 25 Ill. Reg. 1735, effective 7.

## SUBPART F: DAIRY PRODUCTS PROCESSING

## Section 307.1503 Cultured Seasoned Products

- Applicability. This Section applies to discharges resulting from the manufacture of cultured products, including cultured skim milk (cultured buttermilk), yoghurt, sour cream and dips of various types.
- Specialized definitions. The Board incorporates by reference 40 CFR

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

405.31 (1994). This incorporation includes no later amendments or editions.

## c) Existing sources:

1) The Board incorporates by reference 40 CFR 405.34 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995. This incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

## d) New sources:

1) The Board incorporates by reference 40 CFR 405.36 (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995. This incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility or installation the construction of which commenced after December 20, 1973.

(Source: Amended at 25 Ill. Reg. 1735.7 effective 1/1/97)

## SUBPART BS: WASTE COMBUSTORS

**Section 307.5401 Commercial Hazardous Waste Combustor**

## a) Applicability.

1) The Board incorporates by reference 40 CFR 444.10 (1999), as amended at 65 Fed. Reg. 4360, January 27, 2000. This incorporation includes no later amendments or editions.

2) This Section applies to discharges of wastewater that are associated with Commercial Hazardous Waste Combustor wastewater, as defined in the materials incorporated by reference in subsection (a)(1) of this Section.

b) Definitions. The Board incorporates by reference 40 CFR 444.11 (1999), as amended at 65 Fed. Reg. 4360, January 27, 2000. This incorporation includes no later amendments or editions.

c) Monitoring requirements. The Board incorporates by reference 40 CFR 444.12 (1999), as amended at 65 Fed. Reg. 4360, January 27, 2000, 65 Fed. Reg. 33423, May 23, 2000, and 65 Fed. Reg. 70314, November 22, 2000. This incorporation includes no later amendments or editions.

## d) Existing sources:

1) The Board incorporates by reference 40 CFR 444.16 (1999), as amended at 65 Fed. Reg. 4360, January 27, 2000. This incorporation includes no later amendments or editions.

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

## e) New sources:

1) The Board incorporates by reference 40 CFR 444.18 (1999), as amended at 65 Fed. Reg. 4360, January 27, 2000. This incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (e)(1) of this Section shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

(Source: Added at 25 Ill. Reg. 1735.7 effective 1/1/97)

## SUBPART BT: LANDFILLS

**Section 307.5500 General Provisions**

## a) Applicability.

1) The Board incorporates by reference 40 CFR 445.1 (1999), as amended at 65 Fed. Reg. 3008, January 19, 2000. This incorporation includes no later amendments or editions.

2) This Section applies to discharges of wastewater from landfill units, as defined in the materials incorporated by reference in subsection (a)(1) of this Section.

b) General definitions. The Board incorporates by reference 40 CFR 445.2 (1999), as amended at 65 Fed. Reg. 3008, January 19, 2000. This incorporation includes no later amendments or editions.

c) General Pretreatment Standards. The Board incorporates by reference 40 CFR 445.3 (1999), as amended at 65 Fed. Reg. 3008, January 19, 2000. This incorporation includes no later amendments or editions.

(Source: Added at 25 Ill. Reg. 1735.7 effective 1/1/97)

**Section 307.5501 RCRA Subtitle C Hazardous Waste Landfill**

a) Applicability. Except as provided in Section 307.5500, this Section applies to discharges of wastewater from landfills subject to the provisions of 40 CFR 264, Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities, Subpart N (Landfills); and 40 CFR 265, Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities, Subpart N (Landfills).

## b) Existing sources:

1) The Board incorporates by reference 40 CFR 445.11 (1999), as

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

amended at 65 Fed. Reg. 3008, January 19, 2000 and 65 Fed. Reg. 14344, March 16, 2000. This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (b)(1) of this Section shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

## c) New sources:

- 1) The Board incorporates by reference 40 CFR 445.14 (1999), as amended at 65 Fed. Reg. 3008, January 19, 2000. This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in Section 307.5501(c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

(Source: Added at 25 Ill. Reg. 1735.7, effective 1/1/00)

## Section 307.5502 RCRA Subtitle D Non-Hazardous Waste Landfill

- a) Applicability. Except as provided in Section 307.5500, this Section applies to discharges of wastewater from landfills subject to the provisions of 40 CFR 258, Criteria for Municipal Solid Waste Landfills; and 40 CFR 257, Criteria for Classification of Solid Waste Disposal Facilities and Practices.

## b) Existing sources:

- 1) The Board incorporates by reference 40 CFR 445.21 (1999), as amended at 65 Fed. Reg. 3008, January 19, 2000 and 65 Fed. Reg. 14344, March 16, 2000. This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (b)(1) of this Section shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

## c) New sources:

- 1) The Board incorporates by reference 40 CFR 445.24 (1999), as amended at 65 Fed. Reg. 3008, January 19, 2000. This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

(Source: Added at 25 Ill. Reg. 1735.7, effective 1/1/00)

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Illinois Architecture Practice Act of 1989

2) Code Citation: 68 Ill. Adm. Code 1150

3) Section Numbers: Adopted Action:

1150.10 Amendment

1150.30 Amendment

1150.40 Amendment

1150.60 Amendment

1150.70 Amendment

1150.90 Amendment

ILLUSTRATION A

APPENDIX A Repealed

APPENDIX B New Section

APPENDIX C New Section

4) Statutory Authority: Illinois Architecture Practice Act of 1989 [225 ILCS 305]

5) Effective Date of Amendments: January 8, 2000

6) Does this rulemaking contain an automatic repeal date? No

7) Do these amendments contain incorporations by reference? No

8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Date Notice of Proposal Published in Illinois Register: August 18, 2000, at 24 Ill. Reg. 12366.

10) Has JCAR issued a Statement of Objection to these amendments? No

11) Differences between proposal and final version: No substantive differences; several technical corrections were made.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these amendments replace emergency amendments currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendments: Public Act 91-133, effective January 1, 2000, is the sunset reauthorization of the Illinois Architecture Practice Act of 1989. The changes in this rulemaking are primarily clean-up provisions reflecting changes nationally. The training and



## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

intern requirements reflect National Council of Architectural Registration Boards (NCARB) guidelines. Applicants are no longer tested on Illinois law, but must attest that they have read and understand the Act and this part. Seal requirements have been updated to reflect current technologies. Historical summaries have also been added of licensure and examination requirements.

- 16) Information and questions regarding this amended Part shall be directed to:

Department of Professional Regulation  
Attention: Jean Courtney  
320 West Washington, 3rd Floor  
Springfield, Illinois 62786  
217/785-0813 Fax: 217/782-7645

The full text of the adopted amendments begins on the next page:

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

TITLE 68: PROFESSIONS AND OCCUPATIONS  
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION  
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

## PART 1150

## ILLINOIS ARCHITECTURE PRACTICE ACT OF 1989

| Section  | Education Requirements and Diversified Professional Training Requirements   |
|----------|---|
| 1150.10  | Category II - Education Requirements and Diversified Professional Training Requirements for Individuals Whose Education Was Initiated Prior to January 1, 1990 (Repealed) |
| 1150.20  | Application for Licensure by Examination/Acceptance of Examination  |
| 1150.30  | Examination   |
| 1150.40  | Approved Architecture Programs  |
| 1150.50  | Licensure by Endorsement  |
| 1150.60  | Inactive Status   |
| 1150.65  | Restoration   |
| 1150.70  | Fees  |
| 1150.75  | Professional Design Firm  |
| 1150.80  | Acts Constituting the Practice of Architecture Pursuant to Section 5 of the Act   |
| 1150.85  | Standards of Professional Conduct   |
| 1150.90  | Architecture Complaint Committee  |
| 1150.95  | Renewals  |
| 1150.100 | Granting Variances  |
| 1150.110 |   |

| ILLUSTRATION A | Architect Seal Requirements   |
|----------------|---|
| APPENDIX A     | Categories of Diversified Professional Training (Repealed)  |
| APPENDIX B     | Historical Summary of Minimum Requirements to Qualify for Examination for Licensure as an Architect in Illinois |
| APPENDIX C     | Historical Summary of Examination Requirements  |

**AUTHORITY:** Implementing the Illinois Architecture Practice Act of 1989 [225 ILCS 305] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)].

**SOURCE:** Rules and Regulations Promulgated for the Administration of the Illinois Architecture Act, effective May 29, 1975; amended May 12, 1977; codified at 5 Ill. Reg. 11019; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7448, effective June 15, 1982; amended at 7 Ill. Reg. 7658, effective June 15, 1983; amended at 9 Ill. Reg. 5691, effective April 16, 1985; amended at 11 Ill. Reg. 14077, effective August 5, 1987; transferred from Chapter I, 68 Ill. Adm. Code 150 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1150 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2933; amended at 16 Ill. Reg. 3143,

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

effective February 14, 1997; amended at 17 Ill. Reg. 1554, effective January 25, 1993; amended at 18 Ill. Reg. 10736, effective June 27, 1994; amended at 19 Ill. Reg. 16066, effective November 17, 1995; amended at 20 Ill. Reg. 7873, effective May 30, 1996; amended at 21 Ill. Reg. 5928, effective April 24, 1997; amended at 22 Ill. Reg. 15324, effective August 10, 1998; amended at 24 Ill. Reg. 559, effective December 31, 1999; amended at 24 Ill. Reg. 13710, effective August 28, 2000; amended at 25 Ill. Reg. ~~13710~~ <sup>13710, effective</sup>

### Section 1150.10 Education Requirements and Diversified Professional Training Requirements

The education and diversified professional training required for examination for licensure under the Illinois Architecture Practice Act [225 ILCS 305] (the Act) are set forth in this Section. Applicants shall meet the requirements set forth in this Section.

#### a) Education Requirements

- 1) Applicants with a professional degree from a program accredited by the National Architectural Accrediting Board (NAAB) or the Canadian Architectural Certification Board (CACB) not later than 2 years after termination of an applicant's enrollment, or with a professional degree in architecture from a Canadian university certified as accredited by CACB:

- A) Bachelor of Architecture degree; or
- B) Master of Architecture degree.

- 2) Applicants with a degree from a program not accredited by the NAAB or CACB:

- A) A pre-professional 4 year baccalaureate degree program in architecture approved by the Board in accordance with Section 1150.50 of this Part, which is accepted for direct entry into a professional Master of Architecture degree program accredited by the NAAB or the CACB; or

- B) Completion of the education requirements as specified in the National Council of Architectural Registration Boards (NCARB) Education Standard Requirements, as certified by NCARB. This includes the requirement that applicants with a degree from a program not accredited by the NAAB or the CACB must complete an Education Evaluation Services for Architects (EBSA) Comprehensive Evaluation Report. Applicants may obtain the report from National Architectural Accrediting Board, Education Evaluation Services for Architects, 1735 New York Avenue, NW, 3rd Floor, Washington, D.C. 20006; phone (202) 783-2007; or [www.naab.org](http://www.naab.org).  
Education-Credentia-Evaluator-inc--p-0--Box--929707  
Mitwaukee-Wi--53202-0970.

- b) Diversified Professional Training Requirements

- 1) An applicant must complete either the Intern Development program (IDP) training requirements (June 17-1997 to July 17-1998, no

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

inter-additions-or-amendments-included of the National Council of Architectural Registration Boards (NCARB), 1801 K Street, NW, Suite 1100 1735-New-York-Avenue-N-W-7-Suite-700, Washington, D.C. 20006-1310, as set forth in the NCARB IDP Guidelines (July 1, 2000 to June 30, 2001, no later additions or amendments included). (A copy of these Guidelines is available from the Department or NCARB.) or-the-training-requirements-set-forth-in this-Section--the-applicant-may-satisfy-the-requirements--in effect-at-the-time-the-training-commenced:

- 2) To satisfy diversified professional training requirements, each applicant must acquire a minimum number of training units (TU's) based on the education requirements set forth in subsection (b)(3) below. One TU training-unit equals eight hours of acceptable activity. Acceptable activities and conditions affecting training are set forth in the NCARB IDP Guidelines. (A copy-of-these-guidelines-is-available-from-the-Department-or NCARB-7)

- 3) TU's training-units shall be acquired earned in prescribed categories and areas and under requirements set forth in the NCARB IDP Training Requirements included in the IDP Guidelines Appendix-A-of-this-Part. The required number of TU's training units will vary according to the following educational requirements:

- A) Applicants who meet the educational requirements set forth in subsections (a)(1) and (a)(2)(B) shall complete 700 TU's training-units pursuant to the IDP Training Requirement Section-1150-Appendix-A-Return-177.

- B) Applicants with a pre-professional 4 year baccalaureate degree set forth in subsection (a)(2)(A) shall complete 1170 TU's training-units pursuant to the IDP Training Requirements where twice the listed minimum TU's required for each training category and area shall be acquired Section-1150-Appendix-A-Return-177.

- 4) The required minimums in IDP Training Categories A, B, C and D total 465 TU's for the education requirements set forth in subsections (a)(1) and (a)(2)(B) and 930 TU's for the education requirements set forth in subsection (a)(2)(A), allowing for the additional TU's to be acquired in any of the listed categories.

- 5) To satisfy the Illinois Diversified Professional Training requirements, an applicant must have satisfied the IDP training requirements in accordance with the NCARB IDP Training Requirements and subsection (b)(3)(A) or (B) Appendix-A-of-this Part. An applicant who has satisfied the training requirements is expected to have been exposed to the comprehensive practice of architecture. Accordingly, each applicant must demonstrate that his or her training has been sufficiently diversified as to include exposure to each of the training areas set forth in the IDP Training Requirement Appendix-A-and-IDP-Guidelines. (An

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

applicant with the required number of TU's training-units may nonetheless be denied approval of training if that training is not diversified.) One training-unit equals 8 hours of acceptable experience. The following table sets forth the training settings in which training-units may be acquired:

## MAXIMUM TRAINING

## TRAINING SETTINGS

## UNITS ALLOWED

A) Training in architecture as an employee of an organization when the experience is under the direct supervision of a licensed architect and when the architectural practice in which the applicant works is in the charge of a person practicing as a principal and encompasses the comprehensive practice of architecture including each of the categories found in Section 1150-APPENDIX A(a).

B) Training in architecture as an employee of an organization when the experience is under the direct supervision of a licensed architect and when the organization does not encompass the comprehensive practice of architecture, including each of the categories found in Section 1150-APPENDIX A(a).

C) Experience directly related to architecture under direct supervision of a licensed engineer (practicing as a structural, civil, mechanical or electrical engineer in the field of building construction) or a registered landscape architect.

D) Experience other than that noted in (A), (B) or (C) above in activities involving the design and construction of the built environment (such as analysis of existing buildings, planning, programming, design of interior space, review of technical

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

submissions, engaging in building construction activities and the like) when under the direct supervision of a person experienced in the activity.

B) Teaching or research in an NAAB-accredited professional degree program: 245-----in Category-B--of Section 1150-APPENDIX A(a)

F) Experience in architecture outside the United States or Canada under the direct supervision of a person authorized to practice architecture in that jurisdiction: 235

G) Training that does not fit settings Architectural above will receive no credit.

6) The training settings in which TU's may be acquired are set forth in the NCARB IDP Guidelines.

## 75) Program Requirements

A) No TU's training credits may be earned prior to satisfactory completion of:

i) Three years in an NAAB-accredited professional degree program; or  
ii) The third year of a 4 year pre-professional degree program in architecture accepted for direct entry to an NAAB-accredited professional master's degree program; or

iii) One year in an NAAB-accredited professional master's degree program following receipt of a non-professional undergraduate degree; or

iv) 96 semester credit hours as evaluated by Education Evaluation Services for Architects (EESA) in accordance with NCARB Education Standard Circular of Information No. 3 of which no more than 60 hours can be in the general education category, or

v) Five education credits in the circumstances described in subsection (a)(1)(A) of this Section in accordance with NCARB Education Standard when the education credits were earned prior to June 30, 1984. Circular of Information No. 3. This alternative expires on July 17, 2000. Note: 32 semester credit hours or 48 quarter credit hours shall equal one year in an academic program.

B) No experience used to meet education requirements described

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

in subsection (a) of this Section may be used to earn TU's training-credits.

- C) To earn TU's in IDP Training Settings A, B, C, D and E credits--under-subsection--(b)(4)(A)--(B)--or--(F), an applicant must work at least 35 hours per week for a minimum period of 10 consecutive weeks under-subsection--(b)(4)(A)--or--(B) or at least 20 hours per week for a minimum period of 6 consecutive months.
- D) To earn credit TU's in IDP Training Setting F, the applicant must be employed on a full-time basis under-subsection (b)(4)(E)--an-applicant's-credit-hours-must-be--in--subjects evaluated--by--NCARB-as-directly-related-to-architecture--20 semester-credit-hours-or-30-quarter-credit-hours-of-teaching or-equivalent-time-in-research-will-equal-one-year.

- E) A "licensed architect" is a person licensed to practice architecture in the jurisdiction in which he or she practices.

F) A person practices as a "principal" by being:

- i) A licensed architect; and
- ii) The person in charge of the organization's architectural practice, either alone or with other licensed architects.

F) A--"licensed-architect"--is--a--person-licensed-to-practice architecture-in-the-jurisdiction-in-which-he/she-practices.

- G) A person who has completed the education requirements, is actively participating in the diversified professional training and maintains in good standing a training record as required by this Section may use the title "architectural intern", but may not engage in the practice of architecture except to the extent that such practice is exempted from the requirement for licensure.

## B) Explanation of Requirements

- A) TU's may be acquired only if the applicant meets the time requirements of Section 1150.10(b)(7)(C). Full TU credit is earned for acceptable full-time and part-time employment in the training settings described in Section 1150.10(b)(5).

- B) No TU's may be acquired prior to meeting the requirements of Section 1150.10(b)(7)(A).

- C) Applicants with a post-professional degree in architecture may qualify for TU credit as set forth in the IDP Guidelines.

- D) An applicant may earn TU's by completing Board-approved supplementary education programs. Supplementary education cannot be used to satisfy the minimum TU requirements. No TU's may be earned for supplementary education unless the applicant is employed in a recognized training setting (refer to IDP Guidelines). Credit for supplementary education activities may not exceed 235 TU's.

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

- E) To satisfy Category A of the IDP Training Requirements, TU's (including TU's earned from supplementary education) in those categories must be acquired when employed in the training settings described in Section 1150.10(b)(6). A minimum of 235 TU's must be acquired in Training Setting A.
- F) In evaluating training, the Board may, prior to licensure, require substantiation of the quality and character of the training, notwithstanding the fact that the IDP applicant has complied with the technical training requirements set forth above.

- G) For a detailed description of the IDP training categories, settings and conditions and supplementary education requirements, see IDP Guidelines.

- c) All applicants shall utilize NCARB or an equivalent record-keeping entity recommended by the Board, approved by the Department, and listed on the application materials to collect, evaluate and certify all training data and records required for compliance with this Part.

- d) The verification of training shall be submitted to the Department at the time of application for examination as an architect.

- e) If the accuracy of any submitted documentation or the relevance or sufficiency of the training is questioned by the Department or the Architect Licensing Board (the Board) because of discrepancies or conflicts in information, a need for additional information or clarification, the applicant will be requested to provide such information as is necessary.

(Source: Amended at 25 Ill. Reg. 1754.13 effective )

## Section 1150.30 Application for Licensure by Examination/Acceptance of Examination

a) An applicant for licensure as an architect shall file an application on forms supplied by the Department at least 90 days prior to an examination date. The application shall include:

- a) Proof of successful completion of the examination set forth in Section 1150.40;
- b) Proof of having completed the necessary education and training, as required by Section 1150.10.

1A) The proof shall be in the form of certifications of education completed by the school, college or university attended, and certification of completion of the training requirements by the supervising architect.

2B) Applicants who received their education in a foreign country shall have the education comprehensively evaluated, at their expense, by the Education Evaluator Services for Architects (EES). Applicants shall obtain the forms from National Architectural Accreditation Board, Education Evaluation Services



## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

for Architects, 1735 New York Avenue, NW, 3rd Floor, Washington, D.C. 20006; Phone (202) 783-2007; or [www.naab.org](http://www.naab.org) the--BBSA7 Educational--Credential--Evaluators--Inc--P-6--Box--1174997 Milwaukee--WI-53217. The Board will review all transcripts and the comprehensive evaluation submitted to the Department to determine if the education meets the requirements set forth in Sections 1150.10 and 1150.20;

- c2) A complete work history, on forms provided by the Department, indicating all professional architectural experience;
- d3) Certification from the jurisdiction of original licensure and certification from the jurisdiction of predominant active practice including the following, if the applicant has ever been licensed in another jurisdiction:
- 1A) The date of issuance of the applicant's license and the current status of such license;
- B) The--basis--of--license--was--licensed--if--any--and which--the--applicant--was--licensed--if--any--and
- 2e) Whether the records of the licensing authority contain any record of disciplinary action taken or pending against the applicant;
- e1) A signed and dated affidavit attesting the applicant has read and understands the Act and this Part;
- f4) The required fee; and
- g5) Proof of passage of the Test of English as a Foreign Language (TOEFL) with a minimum score of 550 or 213 for the computer-based test and the Test of Spoken English (TSE) with a minimum score of 50, for applicants who apply after January 1, 1997, who graduated from an architectural program outside the United States or its territories and whose first language is not English. In order to determine applicants whose first language is English, the applicant shall submit verification from the school that the architectural program from which the applicant graduated was taught in English.

- b7) An--applicant--shall--complete--the--required--training--by--the--date--of--the--application--for--examination--to--be--permitted--to--sit--for--that--examination.

(Source: Amended at 25 Ill. Reg. 1754.0-1 effective 1/1/2001)

## Section 1150.40 Examination

- a) The examination for licensure as an architect is a computer based examination prepared by the National Council of Architectural Registration Boards (NCARB).
- b) The examination shall consist of the following divisions:
- 1) Pre-Design;
  - 2) Site Planning;
  - 3) Building Planning;
  - 4) Building Technology;

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

- 5) General Structures;
- 6) Lateral Forces;
- 7) Mechanical and Electrical Systems;
- 8) Materials and Methods; and
- 9) Construction Documents and Services.
- c) Site Planning, Building Planning and Building Technology are graphic design problems, with all other divisions being a multiple-choice format. All divisions are graded with a score of pass or fail. To pass the examination, the applicant must achieve a passing grade on each division of the examination.
- d) An applicant failing a division may repeat that division test 6 months after his or her unsuccessful attempt.
- e) All applicants who are in the process of taking the examination formerly administered by the Department shall receive credit for previous NCARB examinations passed with transfer credit to the Architect Registration Examination (ARE) divisions in Appendix C, as follows:

|                                    |   |
|------------------------------------|---|
| Previous<br>Examinations<br>Passed | Credits-to-Architect<br>Registration-Examination<br>(ARE)-Divisions |
|------------------------------------|---|

## Qualifying

|           |   |
|-----------|---|
| Section-A | Pre-Design-(partial-credit---see-(f)-below) |
| Section-B | General-Structures-Structural-Forces        |
| Section-C | Materials-and-Methods                       |
| Section-D | Mechanical-&-Electrical-Systems             |

## Professional

|               |   |
|---------------|---|
| Section-A     | Site-Planning-Building-Planning             |
| Section-B-i   | Building-Technology                         |
| Section-B-ii  | Pre-Design-(partial-credit---see-(f)-below) |
| Section-B-iii | Pre-Design-(partial-credit---see-(f)-below) |
|               | Mechanical-&-Electrical-Systems             |
|               | Materials-&-Methods                         |
| Section-B-iv  | Construction-Documents-&-Services           |

ARE-(1983-1996)  
Version

|                                   |  |
|-----------------------------------|--|
| Division-A                        | Pre-Design                               |
| Division-B-(written<br>&-graphic) | Site-Planning                            |
| Division-C                        | Building-Planning-Building<br>Technology |
| Division-B/P                      | General-Structures                       |

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

Division-B Electrical-Forces  
 Division-G Mechanical-&Electrical-Systems  
 Division-H Materials-&-Methods  
 Division-I Construction-Documents-&-Services

- f) In-order-to-to-receive-credit-for-the-Pre-Design-Division-of-the-ARB (1997-Version)-an-applicant-must-pass-both-the-qualifying Examination-Section-A-and-the-Professional-Examination-Section-B Parts-I-and-II-or-Division-A-of-the-ARB-(1983-1996-Version). Since-the-history-and-theory-of-architecture-are-incorporated-into-all Divisions-of-the-ARB-no-credit-will-be-given-for-only-having-passed the-qualifying-test-Section-A-History-The-only-credit-awarded-for Section-A-will-be-partial-credit-towards-the-Pre-Design-Division-as outlined-in-subsection-(f)-above.
- h) In-order-to-be-eligible-for-transfer-credits-for-any-part-of-the Professional-Examination-Section-B-the-candidate-must-have-passed three-parts-of-the-examination-in-one-sitting-on-or-after-December 1988.
- i) Applicants-shall-in-all-cases-pass-the-Pre-Design-Division-of-the-ARB-(1997-Version)-if-they-have-not-passed-Section-A-of-the-qualifying test-even-though-the-applicant-may-have-passed-the-Professional Examination-Section-B-Parts-I-and-II.
- j) If an applicant fails to pass an examination for licensure under the Act within 36 years after filing an application, the application shall expire and be denied. The applicant may, however, make a new application for examination accompanied by the required fee, and must furnish proof of meeting the qualifications for examination in effect at the time of new application. Scores from divisions of the examination already passed under a previous application shall be carried over and applied to subsequent applications.
- gk) Applicants who fail to achieve the required passing score in any division ~~divisions~~ of the examination will be afforded unlimited opportunities to repeat the failed parts of the examination.
- h) The provisions of this Section shall be waived for an applicant for licensure as an architect who makes application in form and substance satisfactory to the Department pursuant to the standards set forth in Section 1150.30 and causes to be filed with the Department, in addition to his/her application, proof of successful completion of the NCARB examination administered pursuant to the standards outlined above in another jurisdiction. Such proof of successful completion must be forwarded directly to the Department from the jurisdiction in which the examination was taken.
- im) Divisions of the examination passed in another jurisdiction will be accepted toward licensure in this State if the division was not subsequently failed.

(Source: Amended at 25 Ill. Reg. 1754.07, effective \_\_\_\_\_)

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

1150.60

## Section 1150.60 Licensure by Endorsement

- a) An applicant who holds an active license or registration to practice architecture under the laws of another state or territory and who desires to become licensed by endorsement shall file an application with the Department together with:
- 1) Either:
    - A) Council Certification, issued by and forwarded directly to the Department by the NCARB; or
    - B) Other Proof of Qualifications and Licensure
      - i) Proof that the applicant has met requirements substantially equivalent to those in force in this State at the time of original or subsequent licensure by written examination in the other state or territory, including certification of education, and affidavits of training.
      - ii) A certification by the state or territory of original licensure and any other jurisdiction in which the applicant is or has ever been licensed, including the date of issuance of the applicant's license and the current status of each license; the basis of licensure and a description of all examinations by which the applicant was licensed in that state or territory and the date of passage of any such examinations; and whether the records of the licensing authority contain any record of disciplinary action taken or pending against the applicant;
  - 2) The required fee as set forth in Section 1150.75;
  - 3) A complete work history since graduation from an architecture program;
  - 4) A signed and dated affidavit attesting the applicant has read and understands the Act and this Part;
  - 5) Applicants who received their education in a foreign country shall have the education comprehensively evaluated, at their expense, by the Education Evaluator Services for Architects (EESA). Applicants shall obtain the forms from National Architectural Accrediting Board, Education Evaluation Services for Architects, 1735 New York Avenue, NW, 3rd Floor, Washington, D.C. 20006; phone (202) 783-2007; or [www.naab.org](http://www.naab.org) the-EESA7 Educational-Credentials-Evaluators-inc-P-0-Box-114997 Milwaukee-WI-53217. The Board will review all transcripts and the evaluation submitted to the Department to determine if the education meets the requirements set forth in Sections 1150.10 and 1150.20; and
  - 6) Proof of passage of the Test of English as a Foreign Language (TOEFL) with a minimum score of 550 or 213 for the computer-based

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

test and the Test of Spoken English (TSE) with a minimum score of 50, for applicants who apply after January 1, 1997, who graduated from an architectural program outside the United States or its territories and whose first language is not English. In order to determine applicants whose first language is English, the applicant shall submit verification from the school that the architectural program from which the applicant graduated was taught in English.

- b) The Department shall examine each endorsement application to determine whether the requirements in the state or territory of original or subsequent licensure were substantially equivalent to the requirements then in force in this State. The Department shall either issue a license by endorsement to the applicant or notify the applicant in writing of the reason for the denial of the application.
- c) The Department shall, in individual cases, upon recommendation of the Board, waive passage of one or more parts of the examination upon proof that the applicant has been lawfully engaged in the practice of architecture in another jurisdiction for a minimum of five years and has provided evidence demonstrating competence in the area or areas of the examination of--~~examination~~ being considered for waiver (i.e., architectural education, training and experience). If an applicant has previously failed to pass a part or parts of the examination, the applicant shall not be granted a waiver for the part or parts pursuant to this provision.
- d) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Department or the Board because of a lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant shall be requested to:
  - 1) Provide such information as may be necessary; and/or
  - 2) Appear for an interview before the Board to explain such relevance or sufficiency, clarify information, or clear up any discrepancies or conflicts in information.

(Source: Amended at 25 Ill. Reg. 1754.20 effective 1/1/97)

**Section 1150.70 Restoration**

- a) A licensee seeking restoration of a license which has expired for less than 3 years shall have the license restored upon payment of \$20 plus the lapsed renewal fee required by Section 1150.75.
- b) A licensee seeking restoration of a license which has been placed on inactive status for less than 3 years shall have the license restored upon payment of the current renewal fee as specified by Section 1150.75.
- c) A licensee seeking restoration of a license after it has expired or been placed on inactive status for more than 3 years shall file an

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

application, on forms supplied by the Department, for review by the Board, together with the fee required by Section 1150.75. The licensee shall also submit either:

- 1) Sworn evidence of active practice in another jurisdiction. Such evidence shall include a statement from the appropriate board or licensing authority in the other jurisdiction that the licensee was authorized to practice during the term of said active practice; or
- 2) An affidavit attesting to military service as provided in Section 16 of the Act; or
- 3) Other evidence of continued active practice of architecture for at least the last 3 years. Other evidence shall include, but not be limited to:
  - A) Employment in a responsible capacity under the direct supervision and control of a licensed architect; or
  - B) Lawfully practicing architecture as an employee of a governmental agency; or
  - C) Teaching architecture in a college or university program accredited by the NAAB; or
  - D) Attendance during the past 3 years at educational programs conducted by an approved architecture program or a professional architectural association or similar program approved by the Department upon recommendation of the Board.
- d) Any person seeking restoration of a license within 2 years after discharge from military service pursuant to Section 16 of the Act will be required to pay only the current renewal fee.

e) A signed and dated affidavit attesting the applicant has read and understands the Act and this Part.

fe) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Department or the Board because of lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking restoration shall be requested to:

- 1) Provide such information as may be necessary; and/or
- 2) Appear for an interview before the Board to explain such relevance or sufficiency, clarify information, or clear up any discrepancies or conflicts in information. Upon the recommendation of the Board and approval by the Director, an applicant shall have the license restored or will be notified in writing of the reason for the denial of the application.

(Source: Amended at 25 Ill. Reg. 1754.20 effective 1/1/97)

**Section 1150.90 Standards of Professional Conduct**

In order to safeguard life, health and property, to promote the public welfare, and to establish and maintain a high standard of integrity in the practice of

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

architecture, the following Standards of Professional Conduct shall be binding on every person applying for or holding a license as an architect and on all partnerships and corporations authorized to practice architecture in this State.

## a) Competence

1) An architect shall undertake to perform professional services only when the architect, together with those whom the architect may engage as consultants, are qualified by education and training in the specific technical areas involved.

2) An architect engaging in the practice of architecture shall act with reasonable care and competence, and shall apply the technical knowledge and skill which are ordinarily applied by licensed architects of good standing, practicing in the same locality.

3) An architect in designing a project shall take into account all applicable State and municipal building laws and regulations (e.g., the Illinois Environmental Barriers Act [225 ILCS 75] ~~1117--Rev--State--1989;ch--1117-par--77117~~). While an architect may rely on the advice of other professionals, attorneys, engineers and other qualified persons (i.e., building code officials, authorized governmental officials) as to the intent and meaning of such regulations, once having obtained such advice, an architect shall not knowingly design a project in violation of such laws and regulations.

## b) Conflict of Interest

1) An architect shall not accept compensation for his/her services from more than one party on a project unless the circumstances are fully disclosed and agreed to in writing by all interested parties.

2) If an architect has any business association or direct or indirect financial interest which is substantial enough to influence the architect's judgment in connection with the architect's performance of professional services, the architect shall fully disclose in writing to the architect's client or employer the nature of the business association or financial interest, and if the client or employer objects to such association or interest, the architect will either terminate such association or interest or offer to give up the commission or employment.

3) An architect shall not solicit or accept compensation from material or equipment suppliers in return for specifying or endorsing their products.

4) When acting as the interpreter of building contract documents and the judge of contract performance, an architect shall render decisions impartially, favoring neither party to the contract.

## c) Full Disclosure

1) An architect, making public statements on architectural questions, shall disclose when he/she is being compensated for

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

making such statements.

2) An architect shall accurately represent to a prospective or existing client or employer the architect's qualifications and the scope of the architect's responsibility in connection with work for which the architect is claiming credit.

3) If, in the course of the architect's work on a project, an architect becomes aware of a decision taken by the architect's employer or client, against such architect's advice, which violates applicable State or municipal building laws and regulations and which will, in the architect's judgment, materially and adversely affect the safety to the public of the finished project, the architect shall:

A) Report the decision to the local building inspector or other public official charged with the enforcement of the applicable State or municipal building laws and regulations;

B) Refuse to consent to the decision; and

C) In circumstances where the architect reasonably believes that other such decisions will be taken, notwithstanding his or her objection, terminate the architect's services with respect to the project. In the case of a termination in accordance with this clause, the architect shall have no liability to the architect's client or employer on account of such termination.

## d) Compliance with Laws

1) An architect shall not, in the conduct of his/her architectural practice, knowingly violate any state or federal criminal law of a state or territory of the U.S.

2) An architect shall comply with the licensing and registration laws and regulations governing architectural practice in any state or territory of the U.S. in which the architect is practicing or offering to practice architecture.

3) An architect shall neither offer nor make any payment or gift to a government official (whether elected or appointed) with the intent of influencing the official's judgment in connection with a prospective or existing project in which the architect is interested.

4) An architect shall not knowingly make a materially false statement or fail deliberately to disclose a material fact requested in connection with his or her application for a license or renewal thereof.

5) An architect shall not assist the application for a license of an individual known by the architect to be unqualified in respect to education, training or character.

6) An architect possessing knowledge of a violation of the provisions set forth in Sections ~~Section~~ 22, 23 and 23.5 of the Act by another architect shall report such knowledge to the Department.

## e) Professional Conduct



## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

- 1) An architect shall not sign or seal drawings, specifications, reports or other professional work for which the architect does not have direct personal knowledge and direct supervisory control; provided, however, that in the case of the portions of such professional work prepared by the architect's consultants, licensed under the Act or another professional licensure law of this jurisdiction, the architect may sign and seal that portion of the professional work if the architect has reviewed such portion, has coordinated its preparation and intends to be responsible for its adequacy. The signing and sealing of the work of a consultant by the architect does not exempt the consultant from signing and sealing professional work prepared by the consultant as required by the Act or by another licensure law of this jurisdiction. ~~Notwithstanding the above, in~~
- 2) In the event of the death or incapacity of the architect, a subsequent architect may utilize the drawings, specifications, reports or other professional work produced by the deceased or incapacitated architect, after independent review, in order to complete the project.
- 3) An architect shall neither offer nor make any payment or gift, other than gifts of nominal value (including, but not necessarily limited to reasonable entertainment and hospitality), with the intent of influencing the judgment of an existing or prospective client in connection with a project in which the architect is interested.
- 4) An architect shall not engage in conduct involving fraud or wanton disregard of the rights of others.

(Source: Amended at 25 Ill. Reg. 1754, effective January 8, 2001)

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENT(S)

## Section 1150. ILLUSTRATION A Architect Seal Requirements

- a) Every licensed architect shall have a reproducible seal, or facsimile, the print of which shall contain the name of the architect, the license number, and words "Licensed Architect, State of Illinois". The licensed architect shall affix the signature, current date, date of license expiration and seal to the first sheet of any bound set or loose sheets of construction documents utilized as contract documents between the parties to the contract or contracts or prepared for the review and approval of any governmental or public authority having jurisdiction by that licensed architect or under that licensed architect's direct supervision and control. The seal and dates may be electronically affixed. The signature generated by computer or reproduced by other means shall not be permitted on such documents. The sheet of construction documents on which the seal is affixed shall indicate those documents or parts thereof for which the seal shall apply (Section 14 of the Act).
- b) Partnerships may utilize a reproducible seal or facsimile which contains all partners names and license numbers, provided that the partner(s) responsible for the construction documents for the building shall sign and seal in the manner prescribed in subsection (a) above. All construction documents issued by an architectural firm, corporation, limited liability company or partnership are required to bear the corporate or assumed business name and design firm registration number, in addition to the seal requirements.
- c) The following is a suggested facsimile of the design and lettering of the seal:



11-30-01

(Source: Amended at 25 Ill. Reg. 1754, effective January 8, 2001)

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

Section 1150.APPENDIX A Categories of Diversified Professional Training  
(Repealed)

a) Categories of diversified professional training and corresponding minimum training unit requirements in each category are as follows (For total training units required for various educational levels: See Section 1150-10(b)(3)(A) and (B)).

CATEGORY A: DESIGN AND CONSTRUCTION DOCUMENTS  
(Column 1) (Column 2)

|  |     |     |
|--|-----|-----|
| 1) Programming                           | 10  | 20  |
| 2) Site and Environmental Analysis       | 10  | 20  |
| 3) Schematic Design                      | 15  | 30  |
| 4) Engineering Systems Coordination      | 15  | 30  |
| 5) Building Cost Analysis                | 10  | 20  |
| 6) Code Research                         | 15  | 30  |
| 7) Design Development                    | 40  | 80  |
| 8) Construction Documents                | 135 | 270 |
| 9) Specifications and Materials Research | 15  | 30  |
| 10) Document Checking and Coordination   | 10  | 20  |

## MINIMUM TRAINING--UNIT TOTALS:

350

700

## CATEGORY B: CONSTRUCTION ADMINISTRATION

|                                      |    |    |
|--------------------------------------|----|----|
| 11) Bidding and Contract Negotiation | 10 | 20 |
| 12) Construction Phase-Office        | 15 | 30 |
| 13) Construction Phase-Observation   | 15 | 30 |

## MINIMUM TRAINING--UNIT TOTALS:

70

140

## CATEGORY C: OFFICE MANAGEMENT

|                        |    |    |
|------------------------|----|----|
| 14) Project Management | 15 | 30 |
| 15) Office Management  | 10 | 20 |

## MINIMUM TRAINING--UNIT TOTALS:

35

70

## CATEGORY D: RELATED ACTIVITIES

|  |    |    |
|--|----|----|
| 16) Professional and Community Service | 10 | 20 |
| MINIMUM TRAINING--UNIT TOTALS:         | 10 | 20 |

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

Related activities include diversified professional training in energy conservation, computer applications, regional and urban planning, interior design, landscape architecture, construction management, environmental and structural engineering, applied and theoretical research, teaching, historical restoration and professional delineation.

b) The listing above of required minimums in Categories A, B, C, and D totals 465 training units (WUs) (Column 1) and 930 WUs (Column 2) allowing for the additional WUs to be acquired in any of the listed categories. All of the additional WUs may be acquired in one category or distributed among the categories.

## c) Explanation of Requirements

1) WUs in categories A, B, C, D, and F may be acquired only if the applicant meets the time requirements of Section 1150-10(b)(5)(E). Full WU credit is earned for acceptable full-time and part-time employment in the settings described in Section 1150-10(b)(5)(A), (B), (C), (D), and (F).

2) No WU may be acquired prior to meeting the requirements of Section 1150-20(c)(2)(A).

3) Until January 1, 1999, applicants with a post-professional degree in architecture or a NAAB-accredited Master of Architecture degree qualify for 235 WUs under Category B.

4) An IBP applicant may earn WUs by completing Board-approved supplementary education programs. Supplementary education cannot be used to satisfy the minimum WU requirements in training areas 1-16. No WUs may be earned for supplementary education prior to receiving his or her highest educational degree. (See Section 1150-10(f)).

5) The WUs which may be earned under (c)(3) and (4) above may not exceed 235 WUs.

6) To satisfy Category A of the training requirements, WUs including WUs earned from supplementary education in those categories must be acquired when employed in the settings described in Section 1150-10(b)(4)(A), (B), and (F).

7) A minimum of 235 WUs must be acquired in the setting described in Section 1150-10(b)(4)(A).

8) In evaluating training, the Board may, prior to licensure, require substantiation of the quality and character of the training notwithstanding the fact that the IBP applicant has complied with the technical training requirements set forth above.

9) For detailed description of the IBP training categories and supplementary education requirements, see IBP Guidelines.

(Source: Repealed at 25 Ill. Reg. 1754.01 effective

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

**Section 1150.APPENDIX B Historical Summary of Minimum Requirements to Qualify for Examination for Licensure as an Architect in Illinois**

(For specific details refer to the Rules for the Administration of the Illinois Architecture Practice Act of 1989 that were in effect for the appropriate time period specified below)

- a) July 1, 1897 through June 30, 1919: Applicants who are 21 years old and have made payment of \$15 fee to take examination. Any person who is shown by affidavit to have been engaged in the practice of architecture on July 1, 1897 shall be entitled to a license without examination; provided that the application is made within six months of the passage of the Act.
- b) July 1, 1919 through July 10, 1957: 21 years old; citizen of U.S. Applicants who are graduates of a high school or secondary school approved by the Department of Registration and Education and 3 years of experience in the office of a reputable architect.
- c) July 11, 1957 through September 30, 1977: 21 years old; citizen of U.S. Applicants who are graduates of a high school or secondary school approved by the Department of Registration and Education and 8 years of experience in the office of a registered architect. Applicants with up to 5 years of architectural study in an approved school of architecture and additional years experience in the office of a registered architect which total 8 years of experience and study.
- d) October 1, 1977 through December 31, 1984: 21 years old; citizen of U.S. Applicant with a professional degree from an accredited school of architecture were eligible to take Phase I and upon completion of 3 years practical experience could take Phase II. Applicants who are graduates of an approved high school and 8 years of experience.
- e) January 1, 1985 through December 31, 1995: The following education and architectural experience under the direct supervision of a U.S. licensed architect qualified for examination/licensure:
  - 1) Applicants with a professional degree from a program accredited by NAAB:
    - A) 6-year professional degree (M/Arch) and 2 years of architectural experience;
    - B) 5-year professional degree (B/Arch) and 3 years of architectural experience;
  - 2) Applicants with a degree in architecture from a Board-approved program not accredited by NAAB:
    - A) Master's degree and 4 years of architectural experience;
    - B) 5-year bachelor's degree and 4.5 years of architectural experience;
    - C) 4-year bachelor's degree and 5 years of architectural experience;
    - D) 4-year degree in architecture-related field or program as listed below and 6 years of architectural experience: landscape architecture;

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

- interior design;  
building technology;  
construction management;  
urban and regional planning;  
historic preservation;  
architectural, civil, mechanical, structural, general or electrical engineering;  
4-year or more degree in any field and 7 years of architectural experience.
- f) January 1, 1996 through August 9, 1998: The following education and architectural experience under the direct supervision of a U.S. licensed architect qualified for examination/licensure:
  - 1) 6-year professional degree (M/Arch) in architecture from a program accredited by NAAB and 2 years (or 465 Intern Development Program Training Units (IDP TU's)) of architectural experience;
  - 2) 5-year professional degree (B/Arch) in architecture from a program accredited by NAAB and 3 years (or 700 IDP TU's) of architectural experience;
  - 3) Pre-professional 4-year baccalaureate degree in architecture from a program acceptable for direct entry into a first professional master of architecture degree program accredited by NAAB and 5 years (or 1170 IDP TU's) of architectural experience.
- g) August 10 through December 31, 1998: An NCARB IDP Record certifying to the completion of the following education and indicated minimum number of acceptable TU's is required for examination/licensure:
  - 1) 6-year professional degree (M/Arch) in architecture from a program accredited by NAAB and 465 TU's;
  - 2) 5-year professional degree (B/Arch) in architecture from a program accredited by NAAB and 700 TU's;
  - 3) Pre-professional 4-year baccalaureate degree in architecture from a program acceptable for direct entry into a first professional master of architecture degree program accredited by NAAB and 1170 TU's.
- h) After December 31, 1998: An NCARB IDP Record certifying to the completion of the following education and indicated minimum number of acceptable TU's is required for examination/licensure:
  - 1) 6-year professional degree (M/Arch) in architecture from a program accredited by NAAB and 700 TU's;
  - 2) 5-year professional degree (B/Arch) in architecture from a program accredited by NAAB and 700 TU's;
  - 3) Pre-professional 4-year baccalaureate degree in architecture from a program acceptable for direct entry into a first professional master of architecture degree program accredited by NAAB and 1170 TU's.

(Source: Added at 25 Ill. Reg. effective  
JAN 1 1999)

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

**Section 1150.APPENDIX C Historical Summary of Examination Requirements**

- a) Pre-Design is satisfied by one of the following:
- 1) Examination Syllabus C (1954-1973)
  - 2) Equivalency Examination I (1973-1977, or Qualifying Test-Section A (1977-1978), and Professional Examination -Parts I and II (1973-1978), or Professional Examination-Section B, Parts I and II (1979-1982) - see (h) below
  - 3) Division A of the ARE (1983-1996)
- b) Site Planning is satisfied by one of the following:
- 1) Examination Syllabus D (1954-1973)
  - 2) Equivalency Examination III (1973-1977)
  - 3) Qualifying Test-Sections E, F (1977-1978)
  - 4) Professional Examination-Section A (1979-1982)
  - 5) Division B of the ARE (1983-1987)
  - 6) Division B (Written and Graphic of the ARE (1988-1996))
- c) Building Planning and Building Technology are satisfied by one of the following:
- 1) Examination Syllabus E (1954-1973)
  - 2) Equivalency Examination III (1973-1977)
  - 3) Qualifying Test-Sections E, F (1977-1978)
  - 4) Professional Examination-Section A (1979-1982)
  - 5) Division C of the ARE (1983-1996)
- d) General Structures is satisfied by one of the following:
- 1) Examination Syllabus G (1954-1973)
  - 2) Equivalency Examination II (1973-1977) - see (i) below
  - 3) Qualifying Test-Section B (1977-1982) - see (i) below
  - 4) Professional Examination Part III (1973-1978) - see (i) below
  - 5) Professional Examination-Section B, Part III (1979-1982) - see (i) below
  - 6) Divisions D and F of the ARE (1983-1996)
  - 7) Divisions D/F of the ARE (1988-1996)
- e) Lateral Forces is satisfied by one of the following:
- 1) Examination Syllabus G (1954-1973)
  - 2) Equivalency Examination II (1973-1977) - see (i) below
  - 3) Qualifying Test - Section B (1977-1982) - see (i) below
  - 4) Professional Examination Part III (1973-1978) - see (i) below
  - 5) Professional Examination-Section B, Part III (1979-1982) - see (i) below
  - 6) Division E of the ARE (1983-1996)
- f) Mechanical & Electrical Systems is satisfied by one of the following:
- 1) Examination Syllabus I (1954-1973)
  - 2) Equivalency Examination II (1973-1977) - see (i) below
  - 3) Qualifying Test - Section D (1977-1982) - see (i) below
  - 4) Professional Examination Part III (1973-1978) - see (i) below
  - 5) Professional Examination-Section B, Part III (1979-1982) - see (i) below
  - 6) Division G of the ARE (1983-1996)

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

- g) Materials & Methods is satisfied by one of the following:
- 1) Examination Syllabus F (1954-1973)
  - 2) Equivalency Examination II (1973-1977) - see (i) below
  - 3) Qualifying Test - Section C (1977-1982) - see (i) below
  - 4) Professional Examination Part III (1973-1978) - see (i) below
  - 5) Professional Examination-Section B, Part III (1979-1982) - see (i) below
  - 6) Division G of the ARE (1983-1996)
- h) Construction Documents & Services is satisfied by one of the following:
- 1) Examination Syllabus H (1954-1973)
  - 2) Professional Examination Part IV (1973-1977)
  - 3) Professional Examination-Section B, Part IV (1978-1982)
  - 4) Division I of the ARE (1983-1996)
- i) Since the history and theory of architecture are incorporated into all Divisions of the ARE, no credit will be given for only having passed the Qualifying Test--Section A, History.
- j) In order to be eligible for transfer credits for any part of the Professional Examination-Section B, the candidate must have passed three parts of the examination in one sitting, on or after December 1980.
- k) Applicants shall, in all cases, pass the Pre-Design Division of the ARE if they have not passed the Equivalency Examination I or Section A of the Qualifying Test even though the applicant may have passed the Professional Examination-Section B, Parts I and II.
- l) Applicants without an NAAB-accredited degree must, in all cases, pass the General Structures, Lateral Forces, Mechanical & Electrical Systems and Materials & Methods divisions of the ARE if they have not passed the Equivalency Examination II or equivalent portions of the Qualifying Test, even though the applicant may have passed the Professional Examination-Section B, Part III.

(Source: Added at 25 Ill. Reg. 177.0.01, effective 1/1/81)



## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Regulations under the Illinois Business Brokers Act of 1995
- 2) Code Citation: 14 Ill. Adm. Code 140
- 3) Section Numbers: Adopted Action:  
140.51 Amended  
140.1150 Amended  
140.1152 Amended  
140.2110 Amended  
140.2120 Amended  
140.2130 Amended  
140.2140 Amended  
140.2142 Amended
- 4) Statutory Authority: 815 ILCS 307
- 5) Effective Date of Rulemaking: January 10, 2001
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 24 Ill. Reg. 14621 - 10/6/00
- 10) Has JCAR issued a Statement of Objection to these amendments? No

11) Differences between proposal and final version: The only differences between proposal and final version are a few grammatical changes made by JCAR. There were no public comments.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes, all changes that were agreed to were made.

13) Will this rulemaking replace an emergency rulemaking currently in effect?  
No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: Section 140.51 - amended to define "domicile"

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

- Section 140.1150 - amended to authorize use of UCC 1 form to file liens
- Section 140.1152 - amended to authorize use of UCC 3 form for termination of liens
- Section 140.2110 - amended to authorize fees to be set by the UCC Division
- Section 140.2120 - amended to authorize liens to be filed with the UCC Division
- Section 140.2130 - amended to change date of filing for liens to that set by the UCC Division
- Section 140.2140 - amended to authorize the UCC Division to set form requirements
- Section 140.2142 - amended to authorize the UCC Division to set additional exhibit requirements

16) \$ Information and questions regarding these adopted amendments shall be directed to:

Tanya Solov or Vickie Moseley  
Illinois Securities Department  
Lincoln Tower, Suite 200  
520 South Second Street  
Springfield IL 62701  
(217) 782-2256 or (217) 524-0650

The full text of the adopted amendments begins on the next page:

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

## TITLE 14: COMMERCE

SUBTITLE A: REGULATION OF BUSINESS  
CHAPTER I: SECRETARY OF STATE

## PART 140

## REGULATIONS UNDER THE ILLINOIS BUSINESS BROKERS ACT OF 1995

## SUBPART A: DEFINITIONS

Section  
140.50  
140.51

Scope of the Law (Repealed)  
Definitions of Terms Used in the Act and the Rules

## SUBPART B: REGISTRATION OF BUSINESS BROKERS

Section  
140.100

Procedures for Registration as a Business Broker Under Section 10-10 of the Act

140.120

Procedures for Withdrawal of Pending Application or Termination of Registration as a Business Broker

140.130

Procedure with Respect to Abandoning Incomplete Applications for Registration as a Business Broker

140.200

Procedures for Renewal of Registration as a Business Broker Under Section 10-20 of the Act

140.300

When Disclosure Statement Must Be Provided

140.301

Purpose of Disclosure; Substantial Compliance

140.302

Contents of Disclosure Statement

140.303

Providing the Contract With the Disclosure Statement

140.304

Providing the Contract to Client (Repealed)

## SUBPART C: PROCEDURES FOR ADMINISTRATIVE HEARINGS

Section  
140.400

Hearings

## SUBPART D: RECORDS

Section  
140.750

Records Required of Business Brokers

## SUBPART E: EXEMPTIONS

Section  
140.800

Previous and Ongoing Agreements or Contracts and Transactions Not Affected (Repealed)

140.801

Burden of Proof

140.802

Exemption for Franchises (Repealed)

140.803

Exemptions from Waiting Period and Disclosure Requirements Pursuant

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

to Section 10-30 of the Act

140.804

Exemption for Attorneys (Repealed)

140.805

Exemption for Certified Public Accountants (Repealed)

140.806

Other Persons Exempt from the Act and This Part (Repealed)

140.807

Transactions Exempt from the Act and This Part (Repealed)

140.808

Exemption for Real Estate Brokers and Real Estate Salespersons -- Services Incidental to a Real Estate Brokerage Agreement (Repealed)

140.810

Exemption for Loan Broker Agreements or Contracts from the Business Brokers Act of 1995

## SUBPART F: SERVICE OF PROCESS

Section  
140.1000

Service of Process upon the Secretary of State

## SUBPART G: PROCEDURES FOR BUSINESS BROKER LIENS

Section  
140.1150

Procedures for Filing a Notice of Lien Under or Amendment to a Notice of Lien Under Section 10-115 of the Act  
Procedures to Terminate a Notice of Lien Prior to the Two Year Expiration

140.1152

## SUBPART H: EVIDENTIARY MATTERS AND NON-BINDING STATEMENTS

Section  
140.1200

Request for Non-Binding Statements

## SUBPART I: PUBLIC INFORMATION

Section  
140.1400  
140.1401

Inspection of Business Broker Records  
Non-Public Distribution of Information

## SUBPART J: RULES OF GENERAL APPLICATION

Section

Business Hours of the Securities Department

140.2100

Computation of Time

140.2101

Payment of Fees

140.2110

Place of Filing

140.2120

Date of Filing

140.2130

Requirements as to Proper Form

140.2140

Additional Information

140.2141

Additional Exhibits

140.2142

Information Unknown or Not Reasonably Available

140.2143

Requirements as to Paper, Printing and Language

140.2144

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

140.2145 Number of Copies--Signatures  
140.2190 Provisions for Granting of Variance from Rules

AUTHORITY: Implementing and authorized by the Illinois Business Brokers Act of 1995 [815 ILCS 307].

SOURCE: Adopted by emergency rulemaking at 20 Ill. Reg. 603, effective January 1, 1996, for a maximum of 150 days; adopted at 20 Ill. Reg. 7984, effective May 30, 1996; amended at 23 Ill. Reg. 3059, effective March 1, 1999; amended at 25 Ill. Reg. 1779-02 effective 1/1/2001.

## SUBPART A: DEFINITIONS

## Section 140.51 Definitions of Terms Used in the Act and the Rules

- a) As used in the Act and this Part, unless the context otherwise requires, the term:

"Act or Law" means the Illinois Business Brokers Act of 1995 [815 ILCS 307].

"Advertising" means any circular, disclosure statement, advertisement, or other material or any communication by radio, television, pictures or the transmittal or sending of any communication via the non-proprietary, nonprofit, public computer network (commonly known as the "Internet") or similar means.

"Affiliate" of, or a person "affiliated" with, a specified person means a person who, directly or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, the person specified.

"Applicant" means the person making application for registration.

"Branch Office":

Branch office means any office, residence or other place or location in this State where the business of a registered business broker is conducted and which is owned or controlled by, or operated directly, or indirectly for the benefit of, the registered business broker and where the business of the business broker is conducted by a principal, agent or employee for such registered business broker.

The principal office located in this State of the registered business broker shall not be considered a branch office.

Except as otherwise provided in this Section, each office,

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

residence or other place or location where business is being conducted in this State on behalf of a registered business broker shall be considered a branch office for the registered business broker.

"Date of Filing" means the date that all of the required documents are received by the Securities Department and all the required fees are paid to the Secretary of State. A document shall not be deemed to be filed if any material information required by the Act or this Part is omitted or the document is illegible.

"Director" means any director of a corporation or any person performing similar functions with respect to any organization whether incorporated or unincorporated.

"Domicile" means, when applied to a business, that entity's principal place of business and, where applicable, that entity's place of incorporation.

"Dominant Element of a Transaction" as used in Section 10-5.15 of the Act means any transaction in which (1) 50% or more of the purchase price or 50% or more of the net asset value of the business being sold is real estate; or (2) real estate is an integral part of the business being sold. The percentage of the transaction made up of the purchase price or net asset value of the real estate shall be based upon the reasonable expectation of the person potentially acting as a business broker and the client at the time the brokerage contract or agreement for services is entered into; or (3) real estate is the single largest part of the transaction.

"Employee" does not include a director, trustee or officer.

"Federal Banking Act of 1933" means the Federal Banking Act of 1933 (12 U.S.C. 227), and the Rules and Regulations thereunder as in effect on January 1, 1996.

"Hearing" means a proceeding conducted by the Securities Department in which the rights, privileges, immunities, duties or obligations of any person or party are required by law to be determined by the Secretary of State only after opportunity for a hearing.

"Insolvency" means the rendering of a business broker financially unable to perform any contractual obligations of its business brokering duties.

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

"Offer or Offer to Sell" includes every attempt to dispose of a business for value or solicitation of an offer to purchase a business.

"Officer" means the president; any vice president in charge of a principal business unit, division or function; the secretary; the treasurer; any principal financial officer, comptroller or principal accounting officer; any other officer performing a principal policy-making function and any other person performing similar functions with respect to any organization whether incorporated or unincorporated.

"Ongoing Business" means an existing business that, for at least six months prior to the offer, has been operated from a specific, but not necessarily the same, location, has been open for a business to the general public and has substantially all of the equipment and supplies necessary to operate the business.

"Principal" means any officer, director, partner, member, trustee, or manager who is responsible for the supervision and management of the daily business operations in this State of a business broker required to be registered under the Act.

"Proposed Client" means any person who has executed a disclosure statement which he or she received from a business broker and returned or caused to be returned to the business broker.

"Real Estate" means and includes leaseholds, as well as any other interest or estate in land, whether corporeal, incorporeal, freehold or non-freehold, and whether the real estate is situated in Illinois or elsewhere.

"Rules" refers to all rules adopted by the Secretary of State pursuant to the Act.

"Sale or Sell" means every contract or agreement of sale, contract to sell, or the disposition of a business or interest in a business for value.

"Secretary of State" means the Securities Department of the Office of the Illinois Secretary of State or the Secretary of State or the Securities Director, or his or her designee, as the case may be.

"Section" refers to a Section of this Part unless a reference to the Act is specifically made.

b) A Section of this Part which defines a term without express reference

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

to the Act or to this Part or to a portion thereof or hereof defines such term for all purposes as used both in the Act and in this Part. Terms defined in the Act and not defined in this Part have the meanings given them in the Act.

(Source: Amended at 25 Ill. Reg. 1786.5 effective 1/1/01)

## SUBPART G: PROCEDURES FOR BUSINESS BROKER LIENS

## Section 140.1150 Procedures for Filing a Notice of Lien or Amendment to a Notice of Lien Under Section 10-115 of the Act

a) A business broker who is filing a notice of lien must file Form UCC 1, Financing Statement, Form-BB1157--Notice-of-Lien, with the Uniform Commercial Code Division Illinois-Securities-Department, together with the filing fee, as specified by 810 ILCS 5/9-403 through 9-406 in Section-140-2110--of--this-Part. The form must contain the following information:

- 1) Name of business broker, and business broker file number and address in the section marked as secured party;
- 2) Name of purchaser and address labeled "Name of purchaser and address" in the section marked as "debtor" if the lien is against the purchaser, otherwise in the section marked as "secured party";
- 3) Name of seller and address labeled "Name of seller and address" in the section marked as "debtor" if the lien is against the seller, otherwise in the section marked as "secured party";
- 4) In the section marked as "this financing statement covers the following types (or items) of property:"

A) A legend in bold capital letters stating as follows: "NOTICE OF BUSINESS BROKER LIEN";

B) Name of business and address;

C)5) Description of business;

D)6) Total dollar amount claimed; and

E)7) A detailed description of business assets to which the lien applies that reasonably identifies those assets. The description may include, but is not limited to, addresses, legal descriptions, inventory and serial numbers. Failure to describe an asset(s) shall not affect the validity of a lien.

b) The form shall be signed by the business broker or a person authorized to sign on behalf of the business broker--and-verified-as-to-the-truth and-accuracy-of-information-contained-in-the-notice.

c) A business broker may file an amendment to an existing Notice of Lien by filing Form UCC 3, together with the Amendment to Notice of Lien fee in the amount specified by 810 ILCS 5/9-403 through 9-406 Form BB1157--together-with-the-Amendment-to-Notice-of-Lien-fee-in-the-amount



## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

~~Specified in Section 140-2110 of this Part.~~

- d) A Notice of Lien may not be filed by a business broker who is unregistered or whose registration has been denied, suspended or revoked. A Notice of Lien filed by a business broker whose registration currently or subsequently is denied, suspended or revoked is immediately terminated.

(Source: Amended at 25 Ill. Reg. 1773.03, effective January 1, 2001)

### Section 140.1152 Procedures to Terminate a Notice of Lien Prior to the Two Year Expiration

- a) A business broker may terminate a Notice of Lien that was filed prior to January 1, 2001 with the Securities Department or after January 1, 2001 with the Uniform Commercial Code Division prior to the two year termination by filing Form UCC 3 with the Uniform Commercial Code Division Form-BB115-1, ~~Release of Lien with the Illinois Securities Department within ten business days after the occurrence. If the form is received more than ten business days from the date after the occurrence a late fee in the amount specified in Section 140-2110 of this Part is required.~~ This form must contain the following information:

- 1) Name of business broker and business broker file number;
  - 2) Name of purchaser;
  - 3) Name of seller;
  - 4) Name of business;
  - 5) Date Notice of Lien was filed with the Illinois Securities Department or Uniform Commercial Code Division; and
  - 6) Reason for release and date of such occurrence.
- b) The form shall be signed by the business broker or a person authorized to sign on the behalf of the business broker, ~~and verified to the truth and accuracy of information contained in the release.~~

(Source: Amended at 25 Ill. Reg. 1773.03, effective January 1, 2001)

## SUBPART J: RULES OF GENERAL APPLICATION

### Section 140.2110 Payment of Fees

- a) Fees under the Act are as follows:

Section 10-10  
Filing, Examination and  
Registration Fee

\$200(plus \$50 for each person who is engaged in

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

business  
brokering on  
behalf of the  
business  
brokerage  
firm in  
excess of  
2two)

### Branch Office Fee

\$20 (if in excess  
of 2 branch  
offices in  
this State)

### Section 10-20 Renewal Filing and Examination Fee

\$200(plus \$50 for each person who is engaged in business brokering on behalf of the business brokerage firm in excess of 2two)

### Renewal Branch Office Fee

\$20 (if in excess  
of 2 branch  
offices in  
this State)

### Renewal Late Fee

\$100(if the renewal application is filed within 29 days preceding the expiration of the current registration)

Business Broker Fee to report a change in its form of organization or change of

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

its name  
Service of Process (when served upon the Secretary)  
Section 10-50 Certificate  
Certified Copy of Document Each Page Certified  
Section 10-115 Notice of Lien  
As specified in the Uniform Commercial Code [810 ILCS 5/9-403 through 9-406]  
\$20  
\$10  
\$10  
\$10 plus \$ .50  
\$59  
\$25  
\$75  
\$ .50  
\$75  
\$ .50

## Amendment to Notice of Lien

## Late Notice-of-Release

## Non-Binding Statement

Duplication of Documents  
Each Page Duplicated

Additional fee for payment of fee returned to the Securities Department due to insufficient funds or for a similar reason

- b) All payments of fees, except for payment of administrative fines and Notices of Liens pursuant to Section 10-115 under the Act, as set forth below, shall be made by check, money order, certified check, bank cashier's check, or indicia of forms of electronic transfer of funds payable to the "Secretary of State". No third party check or money order endorsed over to the Secretary of State shall be accepted as payment of any fee. All payments for administrative fines, in excess of \$500, under the Act, except for a person registered under Section 10-10 or 10-20 of the Act, shall be made by money order, certified check or bank cashier's check.

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

- c) Any person whose payment of fees is returned to the Securities Department due to insufficient funds or for a similar reason shall pay to the Secretary of State the amount of fee owed plus an additional fee as set forth in this Section for each payment returned. This fee shall include the fee required by 5 ILCS 290/10.  
d) The Secretary of State shall require any person to make payment of fees in the form of a money order, certified check, or bank cashier's check if any previous payment of fees has been returned to the Securities Department due to insufficient funds or for a similar reason.  
e) All payment of fees under the Act, except Notices of Liens under Section 10-115 of the Act, shall be deemed to be filed and the fees paid upon receipt by the Securities Department, provided that the fee paid is not less or more than \$5 five-dollars of the amount due.  
(Source: Amended at 25 Ill. Reg. 1778-2, effective 1-1-79)

## Section 140.2120 Place of Filing

All applications for registration or exemption from registration and other papers, except Notices of Liens under Section 10-115 of the Act, filed with the Securities Department or the Secretary of State pursuant to the Act shall be filed at Lincoln Tower, Suite 200, 520 South Second Street, Springfield, Illinois 62701 or 17 N. State, Suite 1100, Chicago, Illinois 60601. Such material may be filed by delivery to the Securities Department, through the mail or otherwise.

(Source: Amended at 25 Ill. Reg. 1778-2, effective 1-1-79)

## Section 140.2130 Date of Filing

- a) The date of filing of any document required to be filed, except Notices of Liens under Section 10-115 of the Act, with the Securities Department shall be the date of delivery of the document and any required fee to the Securities Department in Springfield or Chicago, Illinois, as specified in Section 140.2120 of this Part.

- b) A document may not be deemed to be filed with the Secretary of State unless all requirements of the Act and this Part with respect to such filing have been complied with and the required fee has been paid.

(Source: Amended at 25 Ill. Reg. 1778-2, effective 1-1-79)

## Section 140.2140 Requirements as to Proper Form

Any document, except Notices of Liens under Section 10-115 of the Act, filed

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

with the Securities Department pursuant to the Act shall be prepared in accordance with the form, if any, prescribed by the Securities Department. Any such document shall be deemed to be filed on the proper form unless objection to the form is made by the Securities Department.

(Source: Amended at 25 Ill. Reg. 11/13/01, effective 1/1/02)

## Section 140.2142 Additional Exhibits

The applicant may file exhibits in addition to those required by the appropriate form, except Notices of Liens pursuant to Section 10-115 of the Act. The exhibits shall be marked to indicate the subject matters to which they refer.

(Source: Amended at 25 Ill. Reg. 11/13/01, effective 1/1/02)

## DEPARTMENT OF REVENUE

## NOTICE OF EMERGENCY AMENDMENTS

1) Heading of the Part: Retailers' Occupation Tax

2) Code Citation: 86 Ill. Adm. Code 130

3) Section Numbers: Emergency Action:  
130.120 Amendment  
130.2011 Amendment  
130.2012 Amendment

4) Statutory Authority: 35 ILCS 120

5) Effective Date of Emergency Amendment: January 16, 2001

6) If this Emergency Amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: N/A

7) Date filed with the Index Department: January 16, 2001

8) A copy of the emergency amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Reason for Emergency: The exemptions provided in subsections (28) and (29) of Section 2-5 of the Retailers' Occupation Tax Act were scheduled to sunset on January 1, 2001 pursuant to the provisions of Section 2-70 of the Retailers' Occupation Tax Act. The Department was informed that that legislation was to be proposed (amendment to SB 1929 or another bill) that would have excluded those exemptions from Section 2-70's sunset provisions. Until the adjournment of the 91st General Assembly, the Department could not be certain that those exemptions would sunset. Since no such action was taken in the 91st General Assembly, those exemptions are no longer available beginning January 1, 2001.

10) A complete Description of the Subjects and Issues Involved: The exemptions provided in subsections (28) and (29) of Section 2-5 of the Retailers' Occupation Tax Act were enacted effective January 1, 1996. No sunset date was provided in the Public Act that created these exemptions. Pursuant to the provisions of Section 2-70 of the Retailers' Occupation Tax Act, if a reasonable and appropriate sunset date is not specified in the Public Act that creates the exemption, credit, or deduction, a taxpayer shall not be entitled to take the exemption, credit, or deduction beginning 5 years after the effective date of the Public Act creating the exemption, credit, or deduction and thereafter. The sunset provisions of Section 2-70 are applicable to exemptions enacted after August 4, 1995. As a result, the exemptions provided in subsections (28) and (29) of Section 2-5 of the Retailers' Occupation Tax Act will sunset and no longer be available starting January 1, 2001. This emergency rulemaking amends the Sections that describe these exemptions and lists the last date when these

## DEPARTMENT OF REVENUE

## NOTICE OF EMERGENCY AMENDMENTS

exemptions may be taken.

- 11) Are there any proposed amendments to this Part pending?

| Section Numbers | Proposed Action | IL Register Citation         |
|-----------------|-----------------|------------------------------|
| 130.330         | Amendment       | 05/26/00, 24 Ill. Reg. 7617  |
| 130.605         | Amendment       | 09/08/00, 24 Ill. Reg. 13617 |
| 130.325         | Amendment       | 09/29/00, 24 Ill. Reg. 14393 |
| 130.901         | Amendment       | 11/13/00, 24 Ill. Reg. 16573 |
| 130.101         | Amendment       | 11/17/00, 24 Ill. Reg. 16986 |
| 130.540         | Amendment       | 11/17/00, 24 Ill. Reg. 16986 |

- 12) Statement of Statewide Policy Objectives: This rulemaking neither imposes a State mandate, nor modifies an existing mandate.

- 13) Information and questions regarding this emergency amendment shall be directed to:

Terry D. Charlton  
Associate Counsel  
Illinois Department of Revenue  
101 West Jefferson  
Springfield, Illinois 62794  
(217) 782-6996

The full text of the Emergency Amendment begins on the next page:

## DEPARTMENT OF REVENUE

## NOTICE OF EMERGENCY AMENDMENTS

## TITLE 86: REVENUE

## CHAPTER I: DEPARTMENT OF REVENUE

## PART 130

## RETAILERS' OCCUPATION TAX

## SUBPART A: NATURE OF TAX

Section  
130.101  
130.105  
130.110  
130.111  
130.115  
130.120  
EMERGENCY

Character and Rate of Tax  
Responsibility of Trustees, Receivers, Executors or Administrators  
Occasional Sales  
Sale of Used Motor Vehicles by Leasing or Rental Business  
Habitual Sales  
Nontaxable Transactions

## SUBPART B: SALE AT RETAIL

Section  
130.201  
130.205  
130.210  
130.215  
130.220  
130.225

The Test of a Sale at Retail  
Sales for Transfer Incident to Service  
Sales of Tangible Personal Property to Purchasers for Resale  
Further Illustrations of Sales for Use or Consumption Versus Sales for Resale  
Sales to Lessors of Tangible Personal Property  
Drop Shipments

## SUBPART C: CERTAIN STATUTORY EXEMPTIONS

Section  
130.305  
130.310  
130.315  
130.320  
130.321  
130.325  
130.330  
130.331  
130.335  
130.340  
130.345  
130.350  
130.351

Farm Machinery and Equipment  
Food, Drugs, Medicines and Medical Appliances  
Fuel Sold for Use in Vessels on Rivers Bordering Illinois  
Gasohol  
Fuel Used by Air Common Carriers in International Flights  
Graphic Arts Machinery and Equipment Exemption  
Manufacturing Machinery and Equipment  
Manufacturer's Purchase Credit  
Pollution Control Facilities  
Rolling Stock  
Oil Field Exploration, Drilling and Production Equipment  
Coal Exploration, Mining, Off Highway Hauling, Processing, Maintenance and Reclamation Equipment  
Aggregate Manufacturing

## SUBPART D: GROSS RECEIPTS



## DEPARTMENT OF REVENUE

## NOTICE OF EMERGENCY AMENDMENTS

|  |   |
|--|---|
| Section<br>130.401<br>130.405  | Meaning of Gross Receipts<br>How to Avoid Paying Tax on State or Local Tax Passed on to the Purchaser   |
| 130.410<br>130.415<br>130.420<br>130.425<br>130.430<br>130.435<br>130.440<br>130.445<br>130.450<br>130.455 | Cost of Doing Business Not Deductible<br>Transportation and Delivery Charges<br>Finance or Interest Charges--Penalties--Discounts<br>Traded-In Property<br>Deposit or Prepayment on Purchase Price<br>State and Local Taxes Other Than Retailers' Occupation Tax<br>Penalties<br>Federal Taxes<br>Installation, Alteration and Special Service Charges<br>Motor Vehicle Leasing and Trade-In Allowances |

## SUBPART E: RETURNS

|  |   |
|--|---|
| Section<br>130.501<br>130.502<br>130.505<br>130.510<br>130.515<br>130.520<br>130.525<br>130.530<br>130.535<br>130.540<br>130.545<br>130.550<br>130.551<br>130.555<br>130.560 | Monthly Tax Returns--When Due--Contents<br>Quarterly Tax Returns<br>Returns and How to Prepare<br>Annual Tax Returns<br>First Return<br>Final Returns When Business is Discontinued<br>Who May Sign Returns<br>Returns Covering More Than One Location Under Same Registration--Separate Returns for Separately Registered Locations<br>Payment of the Tax, Including Quarter Monthly Payments in Certain Instances<br>Returns on a Transaction by Transaction Basis<br>Registrants Must File a Return for Every Return Period<br>Filing of Returns for Retailers by Suppliers Under Certain Circumstances<br>Prepayment of Retailers' Occupation Tax on Motor Fuel<br>Vending Machine Information Returns<br>Verification of Returns |
|--|---|

## SUBPART F: INTERSTATE COMMERCE

|  |  |
|--|--|
| Section<br>130.601<br>130.605<br>130.610 | Preliminary Comments<br>Sales of Property Originating in Illinois<br>Sales of Property Originating in Other States |
|--|--|

## SUBPART G: CERTIFICATE OF REGISTRATION

|                    |  |
|--------------------|--|
| Section<br>130.701 | General Information on Obtaining a Certificate of Registration |
|--------------------|--|

## DEPARTMENT OF REVENUE

## NOTICE OF EMERGENCY AMENDMENTS

|   |  |
|---|--|
| 130.705<br>130.710<br>130.715<br>130.720<br>130.725<br>130.730<br>130.735<br>130.740<br>130.745 | Procedure in Disputed Cases Involving Financial Responsibility Requirements<br>Procedure When Security Must be Forfeited<br>Sub-Certificates of Registration<br>Separate Registrations for Different Places of Business of Same Taxpayer Under Some Circumstances<br>Display<br>Replacement of Certificate<br>Certificate Not Transferable<br>Certificate Required For Mobile Vending Units<br>Revocation of Certificate |
|---|--|

## SUBPART H: BOOKS AND RECORDS

|   |   |
|---|---|
| Section<br>130.801<br>130.805<br>130.810<br>130.815<br>130.820<br>130.825 | General Requirements<br>What Records Constitute Minimum Requirement<br>Records Required to Support Deductions<br>Preservation and Retention of Records<br>Preservation of Books During Pendency of Assessment Proceedings<br>Department Authorization to Destroy Records Sooner Than Would Otherwise be Permissible |
|---|---|

## SUBPART I: PENALTIES AND INTEREST

|  |   |
|--|---|
| Section<br>130.901<br>130.905<br>130.910 | Civil Penalties<br>Interest<br>Criminal Penalties |
|--|---|

## SUBPART J: BINDING OPINIONS

|                     |   |
|---------------------|---|
| Section<br>130.1001 | When Opinions from the Department are Binding |
|---------------------|---|

## SUBPART K: SELLERS LOCATED ON, OR SHIPPING TO, FEDERAL AREAS

|   |  |
|---|--|
| Section<br>130.1101<br>130.1105<br>130.1110 | Definition of Federal Area<br>When Deliveries on Federal Areas Are Taxable<br>No Distinction Between Deliveries on Federal Areas and Illinois Deliveries Outside Federal Areas |
|---|--|

## SUBPART L: TIMELY MAILING TREATED AS TIMELY FILING AND PAYING

|                                 |   |
|---------------------------------|---|
| Section<br>130.1201<br>130.1205 | General Information<br>Due Date that Falls on Saturday, Sunday or a Holiday |
|---------------------------------|---|

## DEPARTMENT OF REVENUE

## NOTICE OF EMERGENCY AMENDMENTS

## SUBPART M: LEASED PORTIONS OF LESSOR'S BUSINESS SPACE

Section  
130.1301 When Lessee of Premises Must File Return for Leased Department  
130.1305 When Lessor of Premises Should File Return for Business Operated on Leased Premises  
130.1310 Meaning of "Lessor" and "Lessee" in this Regulation

## SUBPART N: SALES FOR RESALE

Section  
130.1401 Seller's Responsibility to Determine the Character of the Sale at the Time of the Sale  
130.1405 Seller's Responsibility to Obtain Certificates of Resale and Requirements for Certificates of Resale  
130.1410 Requirements for Certificates of Resale (Repealed)  
130.1415 Resale Number--When Required and How Obtained  
130.1420 Blanket Certificate of Resale (Repealed)

## SUBPART O: CLAIMS TO RECOVER ERRONEOUSLY PAID TAX

Section  
130.1501 Claims for Credit--Limitations--Procedure  
130.1505 Disposition of Credit Memoranda by Holders Thereof  
130.1510 Refunds  
130.1515 Interest

## SUBPART P: PROCEDURE TO BE FOLLOWED UPON SELLING OUT OR DISCONTINUING BUSINESS

Section  
130.1601 When Returns are Required After a Business is Discontinued  
130.1605 When Returns are Not Required After Discontinuation of a Business  
130.1610 Cross Reference to Bulk Sales Regulation

## SUBPART Q: NOTICE OF SALES OF GOODS IN BULK

Section  
130.1701 Bulk Sales: Notices of Sales of Business Assets

## SUBPART R: POWER OF ATTORNEY

Section  
130.1801 When Powers of Attorney May be Given  
130.1805 Filing of Power of Attorney With Department  
130.1810 Filing of Papers by Agent Under Power of Attorney

## SUBPART S: SPECIFIC APPLICATIONS

## DEPARTMENT OF REVENUE

## NOTICE OF EMERGENCY AMENDMENTS

Section  
130.1901 Addition Agents to Plating Baths  
130.1905 Agricultural Producers  
130.1910 Antiques, Curios, Art Work, Collectors' Coins, Collectors' Postage Stamps and Like Articles  
130.1915 Auctioneers and Agents  
130.1920 Barbers and Beauty Shop Operators  
130.1925 Blacksmiths  
130.1930 Chiroprodists, Osteopaths and Chiropractors  
130.1935 Computer Software  
130.1940 Construction Contractors and Real Estate Developers  
130.1945 Co-operative Associations  
130.1950 Dentists  
130.1951 Enterprise Zones  
130.1952 Sales of Building Materials to a High Impact Business  
130.1955 Farm Chemicals  
130.1960 Finance Companies and Other Lending Agencies -- Installment Contracts -- Bad Debts  
130.1965 Florists and Nurserymen  
130.1970 Hatcheries  
130.1971 Sellers of Pets and the Like  
130.1975 Operators of Games of Chance and Their Suppliers  
130.1980 Optometrists and Opticians  
130.1985 Pawnbrokers  
130.1990 Peddlers, Hawkers and Itinerant Vendors  
130.1995 Personalizing Tangible Personal Property  
130.2000 Persons Engaged in the Printing, Graphic Arts or Related Occupations, and Their Suppliers  
130.2005 Persons Engaged in Nonprofit Service Enterprises and in Similar Enterprises Operated As Businesses, and Suppliers of Such Persons  
130.2006 Sales by Teacher-Sponsored Student Organizations  
130.2007 Exemption Identification Numbers  
130.2008 Sales by Nonprofit Service Enterprises  
130.2009 Personal Property Purchased Through Certain Fundraising Events for the Benefit of Certain Schools  
130.2010 Persons Who Rent or Lease the Use of Tangible Personal Property to Others  
130.2011 Sales to Persons Who Lease Tangible Personal Property to Exempt Hospitals  
130.2012 Sales to Persons Who Lease Tangible Personal Property to Governmental Bodies  
130.2015 Persons Who Repair or Otherwise Service Tangible Personal Property  
130.2020 Physicians and Surgeons  
130.2025 Picture-Framers  
130.2030 Public Amusement Places  
130.2035 Registered Pharmacists and Druggists  
130.2040 Retailers of Clothing  
130.2045 Retailers on Premises of the Illinois State Fair, County Fairs, Art

## DEPARTMENT OF REVENUE

## NOTICE OF EMERGENCY AMENDMENTS

Shows, Flea Markets and the Like  
 Sales and Gifts By Employers to Employees  
 Sales by Governmental Bodies  
 Sales of Alcoholic Beverages, Motor Fuel and Tobacco Products  
 Sales of Automobiles for Use in Demonstration (Repealed)  
 Sales of Containers, Wrapping and Packing Materials and Related Products  
 Sales To Construction Contractors, Real Estate Developers and Speculative Builders  
 Sales to Governmental Bodies, Foreign Diplomats and Consular Personnel  
 Sales to or by Banks, Savings and Loan Associations and Credit Unions  
 Sales to Railroad Companies  
 Sellers of Gasohol, Coal, Coke, Fuel Oil and Other Combustibles  
 Sellers of Feeds and Breeding Livestock  
 Sellers of Newspapers, Magazines, Books, Sheet Music and Phonograph Records and Their Suppliers  
 Sellers of Seeds and Fertilizer  
 Sellers of Machinery, Tools and Special Order Items  
 Suppliers of Persons Engaged in Service Occupations and Professions  
 Trading Stamps and Discount Coupons  
 Undertakers and Funeral Directors  
 Vending Machines  
 Vendors of Curtains, Slip Covers, Floor Covering and Other Similar Items Made to Order  
 Vendors of Meals  
 Vendors of Memorial Stones and Monuments  
 Vendors of Signs  
 Vendors of Steam  
 Vendors of Tangible Personal Property Employed for Premiums, Advertising, Prizes, Etc.  
 Veterinarians  
 Warehousemen

## ILLUSTRATION A Examples of Tax Exemption Cards

AUTHORITY: Implementing the Illinois Retailers' Occupation Tax Act [35 ILCS 120] and authorized by Section 2505-25 of the Civil Administrative Code of Illinois [20 ILCS 2505/2505-25].

SOURCE: Adopted July 1, 1933; amended at 2 Ill. Reg. 50, p. 71, effective December 10, 1978; amended at 3 Ill. Reg. 12, p. 4, effective March 19, 1979; amended at 3 Ill. Reg. 13, pp. 93 and 95, effective March 25, 1979; amended at 3 Ill. Reg. 23, p. 164, effective June 3, 1979; amended at 3 Ill. Reg. 25, p. 229, effective June 17, 1979; amended at 3 Ill. Reg. 44, p. 193, effective October 19, 1979; amended at 3 Ill. Reg. 46, p. 52, effective November 2, 1979; amended at 4 Ill. Reg. 24, pp. 520, 539, 564 and 571, effective June 1, 1980; amended at 5 Ill. Reg. 818, effective January 2, 1981; amended at 5 Ill. Reg.

## DEPARTMENT OF REVENUE

## NOTICE OF EMERGENCY AMENDMENTS

3014, effective March 11, 1981; amended at 5 Ill. Reg. 12782, effective November 2, 1981; amended at 6 Ill. Reg. 2860, effective March 3, 1982; amended at 6 Ill. Reg. 6780, effective May 24, 1982; codified at 6 Ill. Reg. 8229; recodified at 6 Ill. Reg. 8999; amended at 6 Ill. Reg. 15225, effective December 3, 1982; amended at 7 Ill. Reg. 7990, effective June 15, 1983; amended at 8 Ill. Reg. 5319, effective April 11, 1984; amended at 8 Ill. Reg. 19062, effective September 26, 1984; amended at 10 Ill. Reg. 1937, effective January 10, 1986; amended at 10 Ill. Reg. 12067, effective July 1, 1986; amended at 10 Ill. Reg. 19538, effective November 5, 1986; amended at 10 Ill. Reg. 19772, effective November 5, 1986; amended at 11 Ill. Reg. 4325, effective March 2, 1987; amended at 11 Ill. Reg. 6252, effective March 20, 1987; amended at 11 Ill. Reg. 18284, effective October 27, 1987; amended at 11 Ill. Reg. 18767, effective October 28, 1987; amended at 11 Ill. Reg. 19138, effective October 29, 1987; amended at 11 Ill. Reg. 19696, effective November 23, 1987; amended at 12 Ill. Reg. 5652, effective March 15, 1988; emergency amendment at 12 Ill. Reg. 14401, effective September 1, 1988, for a maximum of 150 days, modified in response to an objection of the Joint Committee on Administrative Rules at 12 Ill. Reg. 19531, effective November 4, 1988, not to exceed the 150 day time limit of the original rulemaking; emergency expired January 29, 1989; amended at 13 Ill. Reg. 11824, effective June 29, 1989; amended at 14 Ill. Reg. 241, effective December 21, 1989; amended at 14 Ill. Reg. 872, effective January 1, 1990; amended at 14 Ill. Reg. 15463, effective September 10, 1990; amended at 14 Ill. Reg. 16028, effective September 18, 1990; amended at 15 Ill. Reg. 6621, effective April 17, 1991; amended at 15 Ill. Reg. 13542, effective August 30, 1991; amended at 15 Ill. Reg. 15757, effective October 15, 1991; amended at 16 Ill. Reg. 1642, effective January 13, 1992; amended at 17 Ill. Reg. 860, effective January 11, 1993; amended at 17 Ill. Reg. 18142, effective October 4, 1993; amended at 17 Ill. Reg. 19651, effective November 2, 1993; amended at 18 Ill. Reg. 1537, effective January 13, 1994; amended at 18 Ill. Reg. 16866, effective November 7, 1994; amended at 19 Ill. Reg. 13446, effective September 12, 1995; amended at 19 Ill. Reg. 13568, effective September 11, 1995; amended at 19 Ill. Reg. 13968, effective September 18, 1995; amended at 20 Ill. Reg. 4428, effective March 4, 1996; amended at 20 Ill. Reg. 5366, effective March 26, 1996; amended at 20 Ill. Reg. 6991, effective May 7, 1996; amended at 20 Ill. Reg. 9116, effective July 2, 1996; amended at 20 Ill. Reg. 15753, effective December 2, 1996; expedited correction at 21 Ill. Reg. 4052, effective December 2, 1996; amended at 20 Ill. Reg. 16200, effective December 16, 1996; amended at 21 Ill. Reg. 12211, effective August 26, 1997; amended at 22 Ill. Reg. 3097, effective January 27, 1998; amended at 22 Ill. Reg. 11874, effective June 29, 1998; amended at 22 Ill. Reg. 19919, effective October 28, 1998; amended at 22 Ill. Reg. 21642, effective November 25, 1998; amended at 23 Ill. Reg. 9526, effective July 29, 1999; amended at 23 Ill. Reg. 9898, effective August 9, 1999; amended at 24 Ill. Reg. 10713, effective July 7, 2000; emergency amendment at 24 Ill. Reg. 11313, effective July 12, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15104, effective October 2, 2000; amended at 24 Ill. Reg. 18376, effective December 1, 2000; amended at 25 Ill. Reg. 941, effective January 8, 2001; emergency amendment at 25 Ill. Reg. 1792, effective January 16, 2001, for a maximum of 150 days.

## DEPARTMENT OF REVENUE

## NOTICE OF EMERGENCY AMENDMENTS

## SUBPART A: NATURE OF TAX

**Section 130.120 Nontaxable Transactions**  
**EMERGENCY**

The tax does not apply to receipts from sales:

- a) of intangible personal property, such as shares of stocks, bonds, evidences of interest in property, corporate or other franchises and evidences of debt;
- b) of real property, such as lands and buildings that are permanently attached to the land;
- c) of tangible personal property for purposes of resale in any form as tangible personal property, provided that the purchaser (except in the case of an out-of-State purchaser who will always resell and deliver the property to his customers outside Illinois) has an active registration number or active resale number from the Department and gives such number to the vendor in connection with certifying to the vendor that the sale to such purchaser is nontaxable on the ground of being a sale for resale (see Subparts B and N of this Part);
- d) of personal services, where rendered as such (see various rules relating to particular service occupations); however, for information concerning the tax on persons engaged in the business of making sales of service, see the Regulations pertaining to the Service Occupation Tax Act (86 Ill. Adm. Code 140);
- e) which are within the protection of the Commerce Clause of the Constitution of the United States (see Subpart F of this Part);
- f) which are isolated or occasional (see Section 130.110 of this Subpart);
- g) of newspapers and magazines (see Section 130.2105 of this Part);
- h) which are made to any corporation, society, association, foundation or institution organized and operated exclusively for charitable, religious or educational purposes, or any not-for-profit corporation, society, association, foundation, institution or organization which has no compensated officers or employees and which is organized and operated primarily for the recreation of persons 55 years of age or older. A limited liability company may qualify for the exemption under this subsection only if the limited liability company is organized and operated exclusively for educational purposes (see Section 130.2005 of this Part);
- i) which are made to any governmental body (see Section 130.2080 of this Part);
- j) of pollution control facilities (see Section 130.335 of this Part);
- k) of fuel consumed or used in the operation of ships, barges or vessels which are used primarily in or for the transportation of property or the conveyance of persons for hire on rivers bordering on this State if such fuel is delivered by the seller to the purchaser's barge, ship or vessel while it is afloat upon such bordering river (see Section 130.315 of this Part);

## DEPARTMENT OF REVENUE

## NOTICE OF EMERGENCY AMENDMENTS

- l) of tangible personal property to interstate carriers for hire for use as rolling stock moving in interstate commerce (see Section 130.340 of this Part);
- m) of a motor vehicle in this State to a nonresident even though such motor vehicle is delivered to such nonresident in this State, if such motor vehicle is not to be titled in this State, and if a driveway decal permit is issued to such motor vehicle as provided in Section 3-603 of the Illinois Vehicle Code [625 ILCS 5/3-603], or if the nonresident purchaser has vehicle registration plates to transfer to the motor vehicle upon returning to his home state;
- n) of merchandise in bulk when sold from a vending machine for 1¢ (see Section 130.2135 of this Part);
- o) of food and beverages by a person who is the recipient of a grant or contract under Title VII of the Older Americans Act of 1965 (Title 42, USC 3021) and serves meals to participants in the Federal Nutrition Program for the Elderly in return for contributions established in amount by the individual participant pursuant to a schedule of suggested fees as provided for in the Federal Act;
- p) of farm chemicals (see Section 130.1955 of this Part);
- q) of manufacturing machinery and equipment that qualifies for exemption under provisions of Section 130.330 of this Part;
- r) of services included in gross receipts for purposes of the Retailers' Occupation Tax and which are designated mandatory service charges by vendors of meals to the extent that the proceeds of the service charge are in fact turned over to the employees who would normally have received tips had the service charge policy not been introduced. Service charges which are used to fund or pay wages, labor costs, employee benefits or employer costs of doing business are taxable gross receipts;
- s) of any petroleum product, if the seller is prohibited by federal law from charging tax to the purchaser [35 ILCS 120/2-5(16)].
  - 1) For example, federal law prohibits sellers from charging tax to Amtrak when it purchases petroleum products. However, federal law does not relieve the seller of Retailers' Occupation Tax liability in these transactions. For that reason, the exemption set out in this subsection is necessary to relieve the seller of Retailers' Occupation Tax liability when making sales of petroleum products to Amtrak.
  - 2) The nontaxable transaction set out above is also applicable to local Retailers' Occupation Taxes imposed by municipalities, counties, the Regional Transportation Authority and Metro East Mass Transit District;
- t) of farm machinery and equipment, both new and used including that manufactured on special order, certified by the purchaser to be used primarily for production agriculture, or state or federal agricultural programs, including individual replacement parts for the machinery and equipment and including machinery and equipment purchased for lease [35 ILCS 120/2-5(2)] (see Section 130.305);



## DEPARTMENT OF REVENUE

## NOTICE OF EMERGENCY AMENDMENTS

- u) of distillation machinery and equipment, sold as a unit or kit, certified by the user to be used only for the production of ethyl alcohol that will be used for consumption as a motor fuel or as a component of motor fuel for personal use of the user and not subject to sale or resale [35 ILCS 120/2-5(3)];
- v) of graphic arts machinery and equipment, including repair and replacement parts [35 ILCS 120/2-5(4)] (see Section 130.325);
- w) a motor vehicle of the first division, a motor vehicle of the second division that is a self-contained motor vehicle designed or permanently converted to provide living quarters for recreational, camping, or travel use, with direct walk through access to the living quarters from the driver's seat, or a motor vehicle of the second division that is of the van configuration designed for the transportation of not less than 7 nor more than 16 passengers, as defined in Section 1-146 of the Illinois Vehicle Code that is used for automobile renting as defined in the Automobile Renting Occupation and Use Tax Act [35 ILCS 120/2-5(5)];
- x) of personal property sold by a teacher-sponsored student organization affiliated with an elementary or secondary school located in Illinois [35 ILCS 120/2-5(6)] (see Section 130.2006);
- y) of that portion of the selling price of a passenger car, the sale of which is subject to the replacement vehicle tax of the Illinois Vehicle Code [625 ILCS 5/3-2001] [35 ILCS 120/2-5(7)];
- z) of personal property sold to an Illinois county fair association for use in conducting, operating or promoting the county fair [35 ILCS 120/2-5(8)];
- aa) of personal property sold to any not-for-profit arts or cultural organization that establishes that it has received an exemption under Section 501(c)(3) of the Internal Revenue Code (26 USCA 501) and that is organized and operated for the presentation or support of arts or cultural programming, activities, or services. These organizations include, but are not limited to, music and dramatic arts organizations such as symphony orchestras and theatrical groups, arts and cultural service organizations, local arts councils, visual arts organizations, and media arts organizations [35 ILCS 120/2-5(9)];
- bb) of personal property sold by a corporation, society, association, foundation, institution or organization that is organized and operated as a not-for-profit service enterprise for the benefit of persons 65 years of age or older if the personal property was not purchased by the enterprise for the purpose of resale by the enterprise [35 ILCS 120/2-5(10)] (see Section 130.2008);
- cc) of legal tender, currency, medallions, or gold or silver coinage issued by the State of Illinois, the government of the United States of America or the government of any foreign country and bullion [35 ILCS 120/2-5(11)], unless such items are transferred as jewelry and therefore subject to tax;
- dd) of oil field exploration, drilling and production equipment [35 ILCS 120/2-5(19)] (see Section 130.345);

## DEPARTMENT OF REVENUE

## NOTICE OF EMERGENCY AMENDMENTS

- ee) of photoprocessing machinery and equipment, including repair and replacement parts [35 ILCS 120/2-5(20)] (see Section 130.2000);
- ff) of coal exploration, mining, off highway hauling, processing, maintenance and reclamation equipment, including replacement parts and equipment [35 ILCS 120/2-5(21)] (see Section 130.350);
- gg) of fuel and petroleum products sold to or used by an air common carrier, certified by the carrier to be used for consumption, shipment or storage in the conduct of its business as an air common carrier, for a flight destined for or returning from a location or locations outside the United States without regard to previous or subsequent domestic stopovers [35 ILCS 120/2-5(22)] (see Section 130.321);
- hh) of semen used for artificial insemination of livestock for direct agricultural production. [35 ILCS 120/2-5(26)] Exemption certifications must be executed by the purchaser. The certificate must include the seller's name and address, the purchaser's name and address, the purchaser's registration number with the Department, the purchaser's signature and date of signing and a statement that the semen purchased will be used for artificial insemination of livestock for direct agricultural production. The certificates shall be retained by the retailer and shall be made available to the Department for inspection or audit;
- ii) beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, of personal property that is donated for disaster relief to be used in a State or federally declared disaster area in Illinois or bordering Illinois by a manufacturer or retailer that is registered in this State to a corporation, society, association, foundation, or institution that has been issued a sales tax exemption identification number by the Department that assists victims of the disaster who reside within the declared disaster area. [35 ILCS 120/2-5(30)] Exemption certifications must be executed by the purchaser. The certificate must include the seller's name and address, the purchaser's name and address, the purchaser's registration number with the Department, if applicable, the purchaser's signature and the date of signing, a description of the items being purchased for donation, a statement that the property purchased will be donated for disaster relief to be used in a State or federally declared disaster area in Illinois or bordering Illinois to a corporation, society, association, foundation, or institution that has been issued a sales tax exemption identification number by the Department that assists victims of the disaster who reside within the declared disaster area, and that entity's sales tax exemption identification number. The certificates shall be retained by the retailer and shall be made available to the Department for inspection or audit;
- jj) beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, of personal property that is used in the performance of infrastructure repairs in this State, including but not limited to municipal roads

## DEPARTMENT OF REVENUE

## NOTICE OF EMERGENCY AMENDMENTS

and streets, access roads, bridges, sidewalks, waste disposal systems, water and sewer line extensions, water distribution and purification facilities, storm water drainage and retention facilities, and sewage treatment facilities, resulting from a State or federally declared disaster in Illinois or bordering Illinois when such repairs are initiated on facilities located in the declared disaster area within 6 months after the disaster. [35 ILCS 120/2-5(31)] Exemption certifications must be executed by the purchaser. The certificate must include the seller's name and address, the purchaser's name and address, the purchaser's registration number with the Department, if applicable, the purchaser's signature and date of signing, a description of the items being purchased, and a statement that the property purchased is for use in the performance of infrastructure repairs initiated on facilities located in the declared disaster area within six months after the disaster in this State resulting from a State or federally declared disaster area in Illinois or bordering Illinois. The certificates shall be retained by the retailer and shall be made available to the Department for inspection or audit; kk) of a transaction in which the purchase order is received by a florist who is located outside Illinois, but who has a florist located in Illinois deliver the property to the purchaser or the purchaser's donee in Illinois [35 ILCS 120/2-5(23)]; ll) until June 1, 2000, of horses, or interests in horses, registered with and meeting the requirements of any of the Arabian Horse Club Registry of America, Appaloosa Horse Club, American Quarter Horse Association, United States Trotting Association, or Jockey Club, as appropriate, used for purposes of breeding or racing for prizes [35 ILCS 120/2-5(27)];

mm) until January 1, 2001, of computers and communications equipment utilized for any hospital purpose and equipment used in the diagnosis, analysis or treatment of hospital patients sold to a lessor who leases the equipment, under a lease of one year or longer executed or in effect at the time of the purchase, to a hospital that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act [35 ILCS 120/2-5(28)] (see Section 130.2011 of this Part);

nn) until January 1, 2001, of personal property sold to a lessor who leases the property, under a lease of one year or longer executed or in effect at the time of the purchase, to a governmental body that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act [35 ILCS 120/2-5(29)] (see Section 130.2012 of this Part);

oo) of tangible personal property sold to a common carrier by rail or motor that receives the physical possession of the property in Illinois and that transports the property, or shares with another common carrier in the transportation of the property, out of Illinois on a standard uniform bill of lading showing the seller of the property as the shipper or consignor of the property to a destination

## DEPARTMENT OF REVENUE

## NOTICE OF EMERGENCY AMENDMENTS

outside Illinois, for use outside Illinois [35 ILCS 120/2-5(17)]; pp) of aggregate exploration, mining, offhighway hauling, processing, maintenance, and reclamation equipment, including replacement parts and equipment, and including equipment purchased for lease, but excluding motor vehicles required to be registered under the Illinois Vehicle Code [35 ILCS 120/7];

qq) beginning July 20, 1999, game or game birds purchased at: 1) a game breeding and hunting preserve area licensed by the Department of Natural Resources (see Section 3.27 of the Wildlife Code [520 ILCS 5/3.27]);

2) an exotic game hunting area licensed by the Department of Natural Resources (see Section 3.34 of the Wildlife Code [520 ILCS 5/3.34]); or

3) a hunting enclosure approved through rules adopted by the Department of Natural Resources;

rr) beginning January 1, 2000, personal property, including food, purchased through fundraising events for the benefit of a public or private elementary or secondary school, a group of those schools, or one or more school districts if the events are sponsored by an entity recognized by the school district that consists primarily of volunteers and includes parents and teachers of the school children. This subsection (rr) does not apply to fundraising events:

1) for the benefit of private home instruction; or 2) for which the fundraising entity purchases the personal property sold at the events from another individual or entity that sold the property for the purpose of resale by the fundraising entity and that profits from the sale to the fundraising entity [35 ILCS 120/2-5(34)];

ss) of machinery or equipment used in the operation of a high impact service facility located within an enterprise zone established pursuant to the Illinois Enterprise Zone Act. "High impact service facility" means a facility used primarily for the sorting, handling and redistribution of mail, freight, cargo, or other parcels received from agents or employees of the handler or shipper for processing at a common location and redistribution to other employees or agents for delivery to an ultimate destination on an item-by-item basis, and which:

1) will make an investment in a business enterprise project of \$100,000,000 or more;

2) will cause the creation of at least 750 to 1,000 jobs or more in an enterprise zone established pursuant to the Illinois Enterprise Zone Act; and

3) is certified by the Department of Commerce and Community Affairs as contractually obligated to meet the requirements specified in subsection (11)(1) and (2) within the time period as specified by the certification. The certificate of eligibility for exemption shall be presented by the business enterprise to its supplier when making the initial purchase of machinery and equipment for

## DEPARTMENT OF REVENUE

## NOTICE OF EMERGENCY AMENDMENTS

which an exemption is granted by Section 1j of the Act, together with a certification by the business enterprise that such machinery and equipment is exempt from taxation under Section 1j of the Act and by indicating the exempt status of each subsequent purchase on the face of the purchase order [35 ILCS 120/11i];

- tt) of jet fuel and petroleum products sold to and used in the conduct of its business of sorting, handling and redistribution of mail, freight, cargo or other parcels in the operation of a high impact service facility located within an enterprise zone established pursuant to the Illinois Enterprise Zone Act, provided that the business enterprise has waived its right to a tax exemption of the charges imposed under Section 9-222.1 of the Public Utilities Act [35 ILCS 120/1j.1]. High impact service facilities qualifying under the Act and seeking the exemption under Section 1j.1 shall be ineligible for the exemptions of taxes imposed under Section 9-222.1 of the Public Utilities Act. High impact service facilities qualifying under the Act and seeking the exemption under Section 9-222.1 of the Public Utilities Act shall be ineligible for the exemptions of taxes as described in Section 1j.1 of the Act. [35 ILCS 120/1j.2] The certification of eligibility for exemption shall be presented by the business enterprise to its supplier when making the purchase of jet fuel and petroleum products for which an exemption is granted by Section 1j.1 of the Act, together with a certification by the business enterprise that such jet fuel and petroleum product is exempt from taxation under Section 1j.1 of the Act, and by indicating the exempt status of each subsequent purchase on the face of the purchase order [35 ILCS 120/11i]; and

- uu) of a motor vehicle, as that term is defined in Section 1-146 of the Illinois Vehicle Code, that is donated to a corporation, limited liability company, society, association, foundation, or institution that is determined by the Department to be organized and operated exclusively for educational purposes. For purposes of this exemption, "a corporation, limited liability company, society, association, foundation, or institution organized and operated exclusively for educational purposes" means all tax-supported public schools, private schools that offer systematic instruction in useful branches of learning by methods common to public schools and that compare favorably in their scope and intensity with the course of study presented in tax-supported schools, and vocational or technical schools or institutes organized and operated exclusively to provide a course of study of not less than 6 weeks duration and designed to prepare individuals to follow a trade or to pursue a manual, technical, mechanical, industrial, business, or commercial occupation. [35 ILCS 120/2-5(33)] Exemption certifications must be executed by the purchaser. The certificate must include: the seller's name and address; the purchaser's name and address; the purchaser's registration number with the Department, if applicable; the purchaser's signature and date of signing; a description of the motor vehicle that is being purchased for immediate donation to a

## DEPARTMENT OF REVENUE

## NOTICE OF EMERGENCY AMENDMENTS

corporation, limited liability company, society, association, foundation, or institution that is determined by the Department to be organized and operated exclusively for educational purposes (see Section 130.2005); the donee's sales tax exemption identification number; and a statement that the motor vehicle is being purchased for immediate donation to a corporation, limited liability company, society, association, foundation, or institution that is determined by the Department to be organized and operated exclusively for educational purposes. The certificates shall be retained by the retailer and shall be made available to the Department for inspection or audit.

(Source: Amended by emergency rulemaking at 25 Ill. Reg. 17.8.07 effective January 16, 2001, for a maximum of 150 days)

## SUBPART S: SPECIFIC APPLICATIONS

### Section 130-2011 Sales to Persons Who Lease Tangible Personal Property to Exempt Hospitals

#### EMERGENCY

- a) Effective January 1, 1996, through December 31, 2000, sales of computers and communications equipment utilized for any hospital purpose that are sold to persons who lease those items to exempt hospitals are not subject to Retailers' Occupation Tax providing:

- 1) the computers and communications equipment described above must all be purchased for lease to a tax exempt hospital under a lease that has been executed or is in effect at the time of purchase;
- 2) the lease must be for a period of one year or longer; and
- 3) the lease must be to a hospital that has an active tax exemption identification number issued by the Department under Section 1g of the Retailers' Occupation Tax Act (see Section 130.2007 of this Part).

- b) Effective January 1, 1996, through December 31, 2000, sales of equipment, other than that specified in subsection (a), used in the diagnosis, analysis, or treatment of hospital patients that is sold to persons who lease that equipment to exempt hospitals is not subject to Retailers' Occupation Tax providing:

- 1) the equipment described above must all be purchased for lease to a tax exempt hospital under a lease that has been executed or is in effect at the time of purchase;
- 2) the lease must be for a period of one year or longer; and
- 3) the lease must be to a hospital that has an active tax exemption identification number issued by the Department under Section 1g of the Retailers' Occupation Tax Act (see Section 130.2007 of this Part).

- c) The retailer must retain the certification described below in the retailers' books and records to properly document the exemption



## DEPARTMENT OF REVENUE

## NOTICE OF EMERGENCY AMENDMENTS

described in this Section.

- 1) When this exemption may be properly claimed on the purchase of computer or other communications equipment, the purchaser must give the seller a certification stating that the computer or other communications equipment is being purchased for lease to a tax exempt hospital under a lease for a period of one year or longer executed or in effect at the time of the purchase.
- 2) When this exemption may be properly claimed on the purchase of equipment used in the diagnosis, analysis, or treatment of hospital patients, the purchaser must give the seller a certification stating that the equipment is being purchased for lease to a tax exempt hospital under a lease for a period of one year or longer executed or in effect at the time of the purchase, and that the equipment is for use in the diagnosis, analysis, or treatment of hospital patients.
- 3) The certification described in subsections (c)(1) and (c)(2) of this Section must also contain all of the following:
  - A) The seller's name and address;
  - B) The purchaser's name and address;
  - C) A description of the tangible personal property being purchased;
  - D) The purchaser's signature and date of signing;
  - E) The name and address of the hospital and its tax exemption identification number issued by the Department; and
  - F) The date the lease was executed and the lease period.

- d) For purposes of this Section, "hospital patients" means persons who seek any form of medical care including, but not limited to, medical treatment, testing, diagnosis, or therapy at a hospital or at another location under the control and supervision of a hospital. For example, persons who are sent by doctors for X-rays or other tests at qualifying hospitals, even though those persons are not admitted to those hospitals, are considered hospital patients.

(Source: Amended by emergency rulemaking at 25 Ill. Reg. 17 9 2 1, effective January 16, 2001, for a maximum of 150 days)

**Section 130.2012 Sales to Persons Who Lease Tangible Personal Property to Governmental Bodies**  
**EMERGENCY**

- a) Effective January 1, 1996, through December 31, 2000, sales of tangible personal property to a lessor who leases that property to a governmental body are not subject to Retailers' Occupation Tax provided that:

- 1) the tangible personal property must be purchased for lease to a governmental body under a lease that has been executed or is in effect at the time of purchase;
- 2) the lease must be for a period of one year or longer; and

## DEPARTMENT OF REVENUE

## NOTICE OF EMERGENCY AMENDMENTS

- 3) the lease must be to a governmental body that has an active tax exemption identification number issued by the Department under Section 1g of the Retailers' Occupation Tax Act (see Section 130.2007 of this Part).
- b) When this exemption may be properly claimed, the purchaser must give the seller a certification stating that the property is being purchased for lease to a governmental body, under a lease of one year or longer executed or in effect at the time of the purchase and containing all of the following:
  - 1) The seller's name and address;
  - 2) The purchaser's name and address;
  - 3) A description of the tangible personal property being purchased;
  - 4) The purchaser's signature and date of signing;
  - 5) The name of the governmental body and its tax exemption identification number issued by the Department; and
  - 6) The date the lease was executed and the lease period.

(Source: Amended by emergency rulemaking at 25 Ill. Reg. 17 9 2 1, effective January 16, 2001, for a maximum of 150 days)



## DEPARTMENT OF REVENUE

## NOTICE OF EMERGENCY AMENDMENTS

1) Heading of the Part: Service Occupation Tax2) Code Citation: 86 Ill. Adm. Code 1403) Section Numbers: Emergency Action:  
140.125 Amendment4) Statutory Authority: 35 ILCS 115/3-55 (sunset provisions); 20 ILCS 2505/39b19 (general rulemaking authority).5) Effective Date of Emergency Amendment: January 16, 20016) If this Emergency Amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: N/A7) Date filed with the Index Department: January 16, 2001

8) A copy of the emergency amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Reason for Emergency: The exemptions provided in subsections (16) and (17) of Section 3-5 of the Service Occupation Tax Act (35 ILCS 115/3-5 (16) and (17)) ("the Act") were scheduled to sunset on January 1, 2001 pursuant to the provisions of Section 3-55 of the Act. The Department was informed that legislation was to be proposed (amendment to Senate Bill 1929 or another bill) that would have excluded those exemptions from the sunset provisions of Section 3-55. Until the adjournment of the 91st General Assembly, the Department could not be certain that those exemptions would sunset. Since no such action was taken in the 91st General Assembly, those exemptions are no longer available beginning January 1, 2001.

10) A complete Description of the Subjects and Issues Involved: The exemptions provided in subsections (16) and (17) of Section 3-5 of the Act were enacted effective January 1, 1996. No sunset date was provided in the Public Act that created these exemptions. Pursuant to the provisions of Section 3-55 of the Act, if a reasonable and appropriate sunset date is not specified in the Public Act that creates the exemption, credit or deduction, a taxpayer shall not be entitled to take the exemption, credit or deduction beginning 5 years after the effective date of the Public Act creating the exemption, credit or deduction and thereafter. The sunset provisions of Section 3-55 are applicable to exemptions enacted after August 4, 1995. As a result, the exemptions provided for in subsections (16) and (17) of Section 3-5 of the Act will sunset and no longer be available starting January 1, 2001. This emergency rulemaking amends the Sections that describe these exemptions, and lists the last date when these exemptions may be taken.

## DEPARTMENT OF REVENUE

## NOTICE OF EMERGENCY AMENDMENTS

11) Are there any proposed amendments to this Part pending? Yes

| Section Numbers | Proposed Action | IL Register Citation         |
|-----------------|-----------------|------------------------------|
| 140.101         | Amendment       | 10/27/00, 24 Ill. Reg. 15852 |
| 140.105         | Amendment       | 10/27/00, 24 Ill. Reg. 15852 |
| 140.106         | New Section     | 10/27/00, 24 Ill. Reg. 15852 |
| 140.108         | New Section     | 10/27/00, 24 Ill. Reg. 15852 |
| 140.109         | New Section     | 10/27/00, 24 Ill. Reg. 15852 |
| 140.110         | New Section     | 10/27/00, 24 Ill. Reg. 15852 |
| 140.125         | Amendment       | 10/27/00, 24 Ill. Reg. 15852 |
| 140.126         | Amendment       | 10/27/00, 24 Ill. Reg. 15852 |
| 140.135         | Repeal          | 10/27/00, 24 Ill. Reg. 15852 |
| 140.145         | Amendment       | 10/27/00, 24 Ill. Reg. 15852 |
| 140.201         | Amendment       | 10/27/00, 24 Ill. Reg. 15852 |
| 140.301         | Amendment       | 10/27/00, 24 Ill. Reg. 15852 |
| 140.901         | Amendment       | 10/27/00, 24 Ill. Reg. 15852 |
| 140.1001        | Amendment       | 10/27/00, 24 Ill. Reg. 15852 |
| 140.1005        | Amendment       | 10/27/00, 24 Ill. Reg. 15852 |
| 140.1010        | Repeal          | 10/27/00, 24 Ill. Reg. 15852 |
| 140.1015        | Repeal          | 10/27/00, 24 Ill. Reg. 15852 |
| 140.1025        | Amendment       | 10/27/00, 24 Ill. Reg. 15852 |
| 140.1305        | Amendment       | 10/27/00, 24 Ill. Reg. 15852 |
| 140.1401        | Amendment       | 10/27/00, 24 Ill. Reg. 15852 |

12) Statement of Statewide Policy Objectives: This rulemaking neither imposes a State mandate, nor modifies an existing mandate.

13) Information and questions regarding this Emergency Amendment shall be directed to:

Terry D. Charlton  
Associate Counsel  
Illinois Department of Revenue  
101 West Jefferson  
Springfield, Illinois 62794  
Phone: (217) 782-6996

The full text of the Emergency Amendment begins on the next page:

## DEPARTMENT OF REVENUE

## NOTICE OF EMERGENCY AMENDMENTS

TITLE 86: REVENUE  
CHAPTER I: DEPARTMENT OF REVENUEPART 140  
SERVICE OCCUPATION TAX

## SUBPART A: NATURE OF TAX

## Section

140.101

Basis and Rate of the Service Occupation Tax

140.105

Registration of Servicemen

140.110

Presumption that Tax Applies (Repealed)

140.115

Occasional Sales to Servicemen by Suppliers (Repealed)

140.120

Meaning of Serviceman

140.125

Examples of Nontaxability

## EMERGENCY

140.126

Exemption of Food, Drugs and Medical Appliances

140.127

Service Provided to Persons Who Lease Tangible Personal Property to

140.128

Exempt Hospitals

140.130

Persons Who Lease Tangible Personal Property to Governmental Bodies

140.135

Suppliers of Printers (Repealed)

140.140

Sales of Drugs and Related Items, to or by Pharmacists

140.145

Other Examples of Taxable Transactions

140.145

Multi-Service Situations

## SUBPART B: DEFINITIONS

## Section

140.201

General Definitions

## SUBPART C: BASE OF THE TAX

## Section

140.301

Cost Price

140.305

Refunds by Supplier or Serviceman

## SUBPART D: TAX RETURNS

## Section

140.401

Monthly Returns When Due -- Contents of Returns

140.405

Annual Tax Returns

140.410

Final Return

140.415

Taxpayer's Duty to Obtain Form

140.420

Annual Information Returns by Servicemen

140.425

Filing of Returns for Serviceman "Suppliers" by their Suppliers

140.430

Under Certain Circumstances

140.430

Incorporation by Reference

## DEPARTMENT OF REVENUE

## NOTICE OF EMERGENCY AMENDMENTS

## SUBPART E: INTERSTATE COMMERCE

## Section

140.501

Sales of Service Involving Property Originating in Illinois

140.505

Sales of Service Involving Property Originating Outside of Illinois  
(Repealed)

## SUBPART F: REGISTRATION UNDER THE SERVICE OCCUPATION TAX ACT

## Section

140.601

General Information

## SUBPART G: BOOKS AND RECORDS

## Section

140.701

Requirements

## SUBPART H: PENALTIES, INTEREST AND PROCEDURES

## Section

140.801

General Information

## SUBPART I: WHEN OPINIONS FROM THE DEPARTMENT ARE BINDING

## Section

140.901

Written Opinions

## SUBPART J: COLLECTION OF THE TAX

## Section

140.1001

Payment of Tax to the Supplier

140.1005

Receipt to be Obtained for Tax Payments

140.1010

Payment of Tax Directly to the Department

140.1015

Itemization of the Tax by Suppliers

140.1020

Use of Bracket Chart

140.1025

Advertising in Regard to the Tax

SUBPART K: TIMELY MAILING TREATED AS TIMELY FILING AND PAYING -- MEANING  
OF DUE DATE WHICH FALLS ON SATURDAY, SUNDAY OR A HOLIDAY

## Section

140.1101

Filing of Documents with the Department

## SUBPART L: LEASED PORTIONS OF LESSOR'S BUSINESS SPACE

## Section

140.1201

When Lessee of Premises May File Return for Leased Department

140.1205

When Lessor of Premises Should File Return for Leased Department

140.1210

Meaning of "Lessor" and "Lessee" in this Regulation

## DEPARTMENT OF REVENUE

## NOTICE OF EMERGENCY AMENDMENTS

## SUBPART M: USE OF EXEMPTION CERTIFICATES

Section  
140.1301 When Purpose of Serviceman's Purchase is Known (Repealed)  
140.1305 When Purpose of Serviceman's Purchase is Unknown  
140.1310 Blanket Percentage Exemption Certificates (Repealed)

## SUBPART N: CLAIMS TO RECOVER ERRONEOUSLY PAID TAX

Section  
140.1401 Claims for Credit -- Limitations -- Procedure  
140.1405 Disposition of Credit Memoranda by Holders Thereof  
140.1410 Refunds  
140.1415 Interest

## SUBPART O: DISCONTINUATION OF A BUSINESS

Section  
140.1501 Procedures

## SUBPART P: NOTICE OF SALES OF GOODS IN BULK

Section  
140.1601 Requirements and Procedures

## SUBPART Q: POWER OF ATTORNEY

Section  
140.1701 General Information

**AUTHORITY:** Implementing the Service Occupation Tax Act [35 ILCS 115] and authorized by Section 2505-100 of the Civil Administrative Code of Illinois [20 ILCS 2505/2505-100].

**SOURCE:** Adopted May 21, 1962; amended at 3 Ill. Reg. 23, p. 161, effective June 3, 1979; amended at 3 Ill. Reg. 44, p. 198, effective October 19, 1979; amended at 4 Ill. Reg. 24, pp. 526, 536 and 550, effective June 1, 1980; amended at 5 Ill. Reg. 822, effective January 2, 1981; amended at 6 Ill. Reg. 2879, 2883, 2886, 2892, 2895 and 2897, effective March 3, 1982; codified at 6 Ill. Reg. 9326; amended at 9 Ill. Reg. 7941, effective May 14, 1985; amended at 11 Ill. Reg. 14090, effective August 11, 1987; emergency amendment at 12 Ill. Reg. 14419, effective September 1, 1988, for a maximum of 150 days; emergency expired January 29, 1989; amended at 13 Ill. Reg. 9388, effective June 6, 1989; amended at 14 Ill. Reg. 262, effective January 1, 1990; amended at 14 Ill. Reg. 15480, effective September 10, 1990; amended at 15 Ill. Reg. 5834, effective April 5, 1991; amended at 18 Ill. Reg. 1550, effective January 13, 1994; amended at 20 Ill. Reg. 5379, effective March 26, 1996; amended at 20 Ill. Reg. 7008, effective May 7, 1996; amended at 20 Ill. Reg. 16211, effective December

## DEPARTMENT OF REVENUE

## NOTICE OF EMERGENCY AMENDMENTS

16, 1996; amended at 24 Ill. Reg. 8125, effective May 26, 2000; emergency amendment at 25 Ill. Reg. 1811, effective January 16, 2001, for a maximum of 150 days.

## SUBPART A: NATURE OF TAX

Section 140.125 Examples of Nontaxability  
EMERGENCY

The tax does not apply to:

- a) sales of intangible personal property;
- b) sales of real property;
- c) sales of personal services as such;
- d) sales of tangible personal property which come within the protection of the Commerce Clause of the Constitution of the United States (see Subpart E of this Part);
- e) purchases of tangible personal property where the serviceman gives a valid exemption certificate to his supplier;
- f) the retail selling of tangible personal property which is taxable under the Retailers' Occupation Tax Act [35 ILCS 120] or the Use Tax Act [35 ILCS 105];
- g) a sale of tangible personal property for the purpose of resale apart from the purchaser's engaging in a service occupation;
- h) sales of tangible personal property as an incident to sales of service:

- 1) to or by any corporation, society, association, foundation, institution organized and operated exclusively for charitable, religious or educational purposes (Section 2 of the Act);
- 2) to or by any corporation, society, association, foundation or institution operated primarily for the recreation of persons aged 55 years or older which has no compensated officers or employees;
- 3) to or by any governmental body (Section 2 of the Act);
- 4) by any corporation, society association, foundation or institution organized and operated as a not-for-profit service enterprise for the benefit of persons aged 65 years of age or older, only to the extent of purchases of personal property not purchased by the enterprise for the purpose of resale by the enterprise (Section 2 of the Act);
- 5) to a not-for-profit Illinois county fair association for use in conducting, operating or promoting the county fair (Section 2 of the Act);
- 6) to any not-for-profit arts or cultural organization that it has received an exemption under Section 501(c)(3) of the Internal Revenue Code and that is organized and operated for the presentation or support of arts or cultural programming, activities, or services. These organizations include, but are not limited to, music and dramatic arts organizations such as symphony orchestras and theatrical groups, arts and cultural

## DEPARTMENT OF REVENUE

## NOTICE OF EMERGENCY AMENDMENTS

service organizations, local arts councils, visual arts organizations, and media arts organizations (Section 2 of the Act);

7) In order to qualify for exemption, all the above listed organizations must have been issued an active exemption identification number by the Department;

i) the sale, employment and transfer of such tangible personal property as newsprint and ink for physical incorporation into newspapers or magazines;

j) the incorporation of tangible personal property into real estate by a construction contractor, which activity constitutes a taxable "use" under the Retailers' Occupation Tax Act and the Use Tax Act, rather than the carrying on of a service occupation;

k) the sale, employment and transfer, as an incident to a sale of service, of such tangible personal property as pollution control facilities and low sulphur dioxide coal fueled devices;

l) sales of stock tonics, serums and other medicinal products to veterinarians for retransfer as an incident to service in caring for farm animals;

m) sales of sprays and farm chemicals as an incident to service by persons engaged in the service occupation of spraying crops or applying farm chemicals for others;

n) sale of either new or used farm machinery, equipment or replacement parts transferred as an incident to a sale of service for use in production agriculture or for use in state or federal agricultural programs;

o) a sale or transfer of machinery and equipment used primarily in the process of manufacturing or assembling, either in an existing, an expanded or a new manufacturing facility, of tangible personal property for wholesale or retail sale or lease, whether such sale or lease is made directly by the manufacturer or by some other person, whether the materials used in the process are owned by the manufacturer or some other person, or whether such sale or lease is made apart from or as an incident to the seller's engaging in the service occupation of producing machines, tools, dies, jigs, patterns, gauges or similar items of no commercial value on special order for a particular purchaser, when the machinery or equipment is produced by the seller thereof for the manufacturer or the manufacturer's lessor on special order in such a way as to have made the applicable tax a service occupation tax or service use tax, rather than retailers' occupation tax or use tax. (Section 2 of the Act) The transfer of standard or stock parts in the repair of qualifying exempt manufacturing machinery and equipment is not exempt;

p) a sale or transfer of graphic arts machinery and equipment, including repair and replacement parts used primarily for graphic arts production by means of printing or other processes or defined in Major Group 27 of the U.S. Standard Industrial Classification Manual (Section 2 of the Act);

## DEPARTMENT OF REVENUE

## NOTICE OF EMERGENCY AMENDMENTS

q) sales of oil field exploration, drilling and production equipment and individual replacement parts costing the purchaser \$250 or more;

r) sales of coal exploration, mining, off highway hauling, processing, maintenance and reclamation equipment and repair parts costing the purchaser \$250 or more;

s) a sale or transfer of tangible personal property as an incident to the rendering of service for interstate carriers for hire for use as rolling stock moving in interstate commerce or lessors under leases of one year or longer, executed or in effect at the time of purchase, to interstate carriers for hire for use as rolling stock moving in interstate commerce (Section 2 of the Act);

t) a sale or transfer of tangible personal property as an incident to the rendering of service for owners, lessors or shippers of tangible personal property which is utilized by interstate carriers for hire for use as rolling stock moving in interstate commerce (Section 2 of the Act);

u) the sale or transfer of distillation machinery and equipment, sold as a unit or kit and assembled or installed by the retailer, which machinery and equipment is certified by the user to be used only for the production of ethyl alcohol that will be used for consumption as motor fuel or as a component of motor fuel for the personal use of such user and not subject to sale or resale (Section 2 of the Act);

v) sales by teacher-sponsored student organizations affiliated with Illinois elementary and secondary schools;

w) sales of legal tender, currency, medallions, or gold or silver coinage issued by the State of Illinois, the government of the United States or any foreign country and bullion, which shall mean gold, silver or platinum in a bulk state with a purity of not less than 980 parts per 1,000. In no circumstance shall items sold as jewelry or mounted for wear as jewelry qualify for this exemption.

x) sales of modified or custom software are exempt. Sales of canned software in a service transaction would be subject to tax; Computer software means all types of software including operational, applicational, utilities, compilers, templates, shells and all other forms. Software is considered to be tangible personal property regardless of the form in which it is transferred or transmitted, including tape, disc, card, electronic means or other media. The sale at retail or transfer of canned software intended for general or repeated use is taxable, including the sale of software which is subject to manufacturer licenses restricting the use or reproduction of the software. Tax applies to the entire charge made to the customer, including charges for all associated documentation and materials. Charges for updates and maintenance of software are considered to be sales of software. Charges for training, telephone assistance, installation and consultation are exempt if they are separately stated from the selling price of software;

y) sales of semen used for artificial insemination of livestock for direct agricultural production. Exemption certifications must be



## DEPARTMENT OF REVENUE

## NOTICE OF EMERGENCY AMENDMENTS

executed by the purchaser. The certificate must include the seller's name and address, the purchaser's name and address, the purchaser's registration number with the Department, the purchaser's signature and date of signing, and a statement that the semen purchased will be used for artificial insemination of livestock for direct agricultural production. The certificates shall be retained by the retailer and shall be made available to the Department for inspection or audit; beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, sales of personal property that is donated for disaster relief to be used in a State or federally declared disaster area in Illinois or bordering Illinois by a manufacturer or retailer that is registered in this State to a corporation, society, association, foundation, or institution that has been issued a sales tax exemption identification number by the Department that assists victims of the disaster who reside within the declared disaster area. Exemption certifications must be executed by the purchaser. The certificate must include the seller's name and address, the purchaser's name and address, the purchaser's registration number with the Department, if applicable, the purchaser's signature and date of signing, a description of the items being purchased for donation, and a statement that the property purchased will be donated for disaster relief to be used in a State or federally declared disaster area in Illinois or bordering Illinois to a corporation, society, association, foundation, or institution that has been issued a sales tax exemption identification number by the Department that assists victims of the disaster who reside within the declared disaster area, and that entity's sales tax exemption identification number. The certificates shall be retained by the retailer and shall be made available to the Department for inspection or audit;

aa) beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, sales of personal property that is used in the performance of infrastructure repairs in this State, including but not limited to municipal roads and streets, access roads, bridges, sidewalks, waste disposal systems, water and sewer line extensions, water distribution and purification facilities, storm water drainage and retention facilities, and sewage treatment facilities, resulting from a State or federally declared disaster in Illinois or bordering Illinois when such repairs are initiated on facilities located in the declared disaster area within six months after the disaster. Exemption certifications must be executed by the purchaser. The certificate must include the seller's name and address, the purchaser's name and address, the purchaser's registration number with the Department, if applicable, the purchaser's signature and date of signing, a description of the items being purchased, and a statement that the property purchased is for use in the performance of infrastructure repairs initiated on facilities located in the declared disaster area within six months

## DEPARTMENT OF REVENUE

## NOTICE OF EMERGENCY AMENDMENTS

after the disaster in this State resulting from a State or federally declared disaster area in Illinois or bordering Illinois. The certificates shall be retained by the retailer and shall be made available to the Department for inspection or audit; beginning July 20, 1999, game or game birds purchased incident to a sale of service at:

- 1) a game breeding and hunting preserve area licensed by the Department of Natural Resources (see Section 3.27 of the Wildlife Code [520 ILCS 5/3.27]),
- 2) an exotic game hunting area licensed by the Department of Natural Resources (see Section 3.34 of the Wildlife Code [520 ILCS 5/3.34]), or
- 3) a hunting enclosure approved through rules adopted by the Department of Natural Resources.

cc) until January 1, 2001, computers and communications equipment utilized for any hospital purpose and equipment used in the diagnosis, analysis, or treatment of hospital patients sold to a lessor who leases the equipment, under a lease of one year or longer executed or in effect at the time of purchase, to a hospital that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act, in accordance with the provisions of 86 Ill. Adm. Code 130.2011, which are effective as fully as if set forth in this subsection (cc) (Section 3-5(16) of the Act).

dd) until January 1, 2001, personal property sold to a lessor who leases the property, under a lease of one year or longer executed or in effect at the time of the purchase, to a governmental body that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act, in accordance with the provisions of 86 Ill. Adm. Code 130.2012, which are effective as fully as if set forth in this subsection (dd) (Section 3-5(17) of the Act).

(Source: Amended by emergency rulemaking at 25 Ill. Reg. 1811.001, effective January 16, 2001, for a maximum of 150 days)

## DEPARTMENT OF REVENUE

## NOTICE OF EMERGENCY AMENDMENTS

1) Heading of the Part: Use Tax

2) Code Citation: 86 Ill. Adm. Code 150

3) Section Numbers:      Emergency Action:  
150.331                      Amendment  
150.332                      Amendment

4) Statutory Authority: 35 ILCS 105

5) Effective Date of Emergency Amendment: January 16, 2001

6) If this Emergency Amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: N/A

7) Date filed with the Index Department: January 16, 2001

8) A copy of the emergency amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection:

9) Reason for Emergency: The exemptions provided in subsections (22) and (23) of Section 3-5 of the Use Tax Act were scheduled to sunset on January 1, 2001 pursuant to the provisions of Section 3-90 of the Use Tax Act. The Department was informed that that legislation was to be proposed (amendment to SB 1929 or another bill) that would have excluded those exemptions from Section 3-90's sunset provisions. Until the adjournment of the 91st General Assembly, the Department could not be certain that those exemptions would sunset. Since no such action was taken in the 91st General Assembly, those exemptions are no longer available beginning January 1, 2001.

10) A complete Description of the Subjects and Issues Involved: The exemptions provided in subsections (22) and (23) of Section 3-5 of the Use Tax Act were enacted effective January 1, 1996. No sunset date was provided in the Public Act that created these exemptions. Pursuant to the provisions of Section 3-90 of the Use Tax Act, if a reasonable and appropriate sunset date is not specified in the Public Act that creates the exemption, credit, or deduction, a taxpayer shall not be entitled to take the exemption, credit, or deduction beginning 5 years after the effective date of the Public Act creating the exemption, credit, or deduction and thereafter. The sunset provisions of Section 3-90 are applicable to exemptions enacted after August 4, 1995. As a result, the exemptions provided in subsections (22) and (23) of Section 3-5 of the Use Tax Act will sunset and no longer be available starting January 1, 2001. This emergency rulemaking amends the Sections that describe these exemptions and lists the last date when these exemptions may be taken. It also notifies lessors that the property being leased under a qualifying lease

## DEPARTMENT OF REVENUE

## NOTICE OF EMERGENCY AMENDMENTS

entered into before January 1, 2001 will continue to be considered exempt until the time that the property is no longer subject to that qualifying lease or is used in any other non-qualifying manner.

11) Are there any proposed amendments to this Part pending: Yes

| <u>Section Numbers</u> | <u>Proposed Action</u> | <u>IL Register Citation</u>  |
|------------------------|------------------------|------------------------------|
| 150.337                | New Section            | 09/22/00, 24 Ill. Reg. 14197 |
| 150.105                | Amendment              | 11/17/00, 24 Ill. Reg. 17018 |
| 150.1310               | Amendment              | 12/01/00, 24 Ill. Reg. 17507 |

12) Statement of Statewide Policy Objectives: This rulemaking neither imposes a State mandate, nor modifies an existing mandate.

13) Information and questions regarding this Emergency Amendment shall be directed to:

Terry D. Charlton  
Associate Counsel  
Illinois Department of Revenue  
101 West Jefferson  
Springfield, Illinois 62794  
Phone: (217) 782-6996

The full text of the Emergency Amendment begins on the next page:

## DEPARTMENT OF REVENUE

## NOTICE OF EMERGENCY AMENDMENTS

TITLE 86: REVENUE  
CHAPTER I: DEPARTMENT OF REVENUEPART 150  
USE TAX

## SUBPART A: NATURE OF THE TAX

## Section

|         |   |
|---------|---|
| 150.101 | Description of the Tax  |
| 150.105 | Rate and Base of Tax  |
| 150.110 | How To Compute Depreciation                                     |
| 150.115 | How to Determine Effective Date                                 |
| 150.120 | Effective Date of New Taxes                                     |
| 150.125 | Relation of Use Tax to Retailers' Occupation Tax                |
| 150.130 | Accounting for the Tax  |
| 150.135 | How to Avoid Paying Tax on Use Tax Collected From the Purchaser |

## SUBPART B: DEFINITIONS

## Section

150.201 General Definitions

## SUBPART C: KINDS OF USES AND USERS NOT TAXED

## Section

|         |   |
|---------|---|
| 150.301 | Cross References  |
| 150.305 | Effect of Limitation that Purchase Must be at Retail From a Retailer to be Taxable          |
| 150.306 | Interim Use and Demonstration Exemptions  |
| 150.310 | Exemptions to Avoid Multi-State Taxation  |
| 150.315 | Non-resident Exemptions   |
| 150.320 | Meaning of "Acquired Outside This State"  |
| 150.325 | Charitable, Religious, Educational and Senior Citizens Recreational Organizations as Buyers |

150.330 Governmental Bodies as Buyers

150.331 Persons Who Lease Tangible Personal Property to Exempt Hospitals

EMERGENCY

150.332 Persons Who Lease Tangible Personal Property to Governmental Bodies

EMERGENCY

150.335 Game or Game Birds Purchased at Game Breeding and Hunting Areas or Exotic Game Hunting Areas

150.336 Fuel Brought into Illinois in Locomotives

150.337 Food, Drugs, Medicines and Medical Appliances When Purchased for Use by a Person Receiving Medical Assistance under the Illinois Public Aid Code

## SUBPART D: COLLECTION OF THE USE TAX FROM USERS BY RETAILERS

## DEPARTMENT OF REVENUE

## NOTICE OF EMERGENCY AMENDMENTS

## Collection of the Tax by Retailers From Users

|         |  |
|---------|--|
| 150.401 | Tax Collection Brackets  |
| 150.405 | Tax Collection Brackets for a 2-1/4% Rate of Tax (Repealed)                  |
| 150.410 | Tax Collection Brackets for a 2-1/2% Rate of Tax (Repealed)                  |
| 150.415 | Tax Collection Brackets for a 2-3/4% Rate of Tax (Repealed)                  |
| 150.420 | Tax Collection Brackets for a 3% Rate of Tax (Repealed)                      |
| 150.425 | Tax Collection Brackets for a 3-1/8% Rate of Tax (Repealed)                  |
| 150.430 | Tax Collection Brackets for a 3-1/4% Rate of Tax (Repealed)                  |
| 150.435 | Tax Collection Brackets for a 3-1/2% Rate of Tax (Repealed)                  |
| 150.440 | Tax Collection Brackets for a 3-3/4% Rate of Tax (Repealed)                  |
| 150.445 | Tax Collection Brackets for a 4% Rate of Tax (Repealed)                      |
| 150.450 | Tax Collection Brackets for a 4-1/8% Rate of Tax (Repealed)                  |
| 150.455 | Tax Collection Brackets for a 4-1/4% Rate of Tax (Repealed)                  |
| 150.460 | Tax Collection Brackets for a 4-1/2% Rate of Tax (Repealed)                  |
| 150.465 | Tax Collection Brackets for a 4-3/4% Rate of Tax (Repealed)                  |
| 150.470 | Tax Collection Brackets for a 5% Rate of Tax (Repealed)                      |
| 150.475 | Tax Collection Brackets for a 5-1/8% Rate of Tax (Repealed)                  |
| 150.480 | Tax Collection Brackets for a 5-1/4% Rate of Tax (Repealed)                  |
| 150.485 | Tax Collection Brackets for a 5-1/2% Rate of Tax (Repealed)                  |
| 150.490 | Tax Collection Brackets for a 5-3/4% Rate of Tax (Repealed)                  |
| 150.495 | Optional 1% Schedule (Repealed)  |
| 150.500 | Exact Collection of Tax Required When Practicable                            |
| 150.505 | Prohibition Against Retailer's Representing That He Will Absorb The Tax      |
| 150.510 | Display of Tax Collection Schedule (Repealed)                                |
| 150.515 | Methods for Calculating Tax on Sales of Items Subject to Differing Tax Rates |

## SUBPART E: RECEIPT FOR THE TAX

## Requirements

## SUBPART F: SPECIAL INFORMATION FOR TAXABLE USERS

## Section

|         |  |
|---------|--|
| 150.701 | When and Where to File a Return  |
| 150.705 | Use Tax on Items that are Titled or Registered in Illinois   |
| 150.710 | Procedure in Claiming Exemption from Use Tax   |
| 150.715 | Receipt for Tax or Proof of Exemption Must Accompany Application for Title or Registration                     |
| 150.716 | Display Certificates for House Trailers  |
| 150.720 | Issuance of Title or Registration Where Retailer Fails or Refuses to Remit Tax Collected by Retailer from User |
| 150.725 | Direct Payment of Tax by User to Department on Intrastate Purchase Under Certain Circumstances                 |

## DEPARTMENT OF REVENUE

## NOTICE OF EMERGENCY AMENDMENTS

## 150.730 Direct Reporting of Use Tax to Department by Registered Retailers

## SUBPART G: REGISTRATION OF OUT-OF-STATE RETAILERS

Section  
150.801 When Out-of-State Retailers Must Register and Collect Use Tax  
150.805 Voluntary Registration by Certain Out-of-State Retailers  
150.810 Incorporation by Reference

## SUBPART H: RETAILERS' RETURNS

Section  
150.901 When and Where to File  
150.905 Deduction for Collecting Tax  
150.910 Incorporation by Reference  
150.915 Itemization of Receipts from Sales and the Tax Among the Different States from Which Sales are Made into Illinois

## SUBPART I: PENALTIES, INTEREST, STATUTE OF LIMITATIONS AND ADMINISTRATIVE PROCEDURES

Section  
150.1001 General Information

## SUBPART J: TRADED-IN PROPERTY

Section  
150.1101 General Information

## SUBPART K: INCORPORATION OF ILLINOIS RETAILERS' OCCUPATION TAX REGULATIONS BY REFERENCE

Section  
150.1201 General Information

## SUBPART L: BOOKS AND RECORDS

Section  
150.1301 Users' Records  
150.1305 Retailers' Records  
150.1310 Use of Signs to Prove Collection of Tax as a Separate Item  
150.1315 Consequence of Not Complying with Requirement of Collecting Use Tax Separately From the Selling Price  
150.1320 Incorporation by Reference

## SUBPART M: CLAIMS TO RECOVER ERRONEOUSLY PAID TAX

Section

## DEPARTMENT OF REVENUE

## NOTICE OF EMERGENCY AMENDMENTS

150.1401 Claims for Credit--Limitations--Procedure  
150.1405 Disposition of Credit Memoranda by Holders Thereof  
150.1410 Refunds  
150.1415 Interest

## TABLE A Tax Collection Brackets

AUTHORITY: Implementing the Use Tax Act [35 ILCS 105] and authorized by Section 2505-90 of the Civil Administrative Code of Illinois [20 ILCS 2505/2505-90].

SOURCE: Adopted August 1, 1955; amended at 4 Ill. Reg. 24, p. 553, effective June 1, 1980; amended at 5 Ill. Reg. 5351, effective April 30, 1981; amended at 5 Ill. Reg. 11072, effective October 6, 1981; codified at 6 Ill. Reg. 9326; amended at 8 Ill. Reg. 3704, effective March 12, 1984; amended at 8 Ill. Reg. 7278, effective May 11, 1984; amended at 8 Ill. Reg. 8623, effective June 5, 1984; amended at 11 Ill. Reg. 6275, effective March, 20, 1987; amended at 14 Ill. Reg. 6835, effective April 19, 1990; amended at 15 Ill. Reg. 5861, effective April 5, 1991; emergency amendment at 16 Ill. Reg. 14889, effective September 9, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 1947, effective February 2, 1993; amended at 18 Ill. Reg. 1584, effective January 13, 1994; amended at 20 Ill. Reg. 7019, effective May 7, 1996; amended at 20 Ill. Reg. 16224, effective December 16, 1996; amended at 22 Ill. Reg. 21670, effective November 25, 1998; amended at 24 Ill. Reg. 10728, effective July 7, 2000; amended at 25 Ill. Reg. 953, effective January 8, 2001; emergency amendment at 25 Ill. Reg. ~~1883-1-1~~, effective January 16, 2001, for a maximum of 150 days.

## SUBPART C: KINDS OF USES AND USERS NOT TAXED

Section 150.331 Persons Who Lease Tangible Personal Property to Exempt Hospitals  
EMERGENCY

- a) Effective January 1, 1996, through December 31, 2000, computers and communications equipment utilized for any hospital purpose that are purchased by persons who lease those items to exempt hospitals are not subject to Use Tax providing:
- 1) the computers and communications equipment described above must all be purchased for lease to a tax exempt hospital under a lease that has been executed or is in effect at the time of purchase;
  - 2) the lease must be for a period of one year or longer; and
  - 3) the lease must be to a hospital that has an active tax exemption identification number issued by the Department under Section 19 of the Retailers' Occupation Tax Act (see 86 Ill. Adm. Code 130.2007).
- b) Effective January 1, 1996, through December 31, 2000, equipment, other than that specified in subsection (a), used in the diagnosis,



## DEPARTMENT OF REVENUE

## NOTICE OF EMERGENCY AMENDMENTS

analysis, or treatment of hospital patients that is purchased by persons who lease that equipment to exempt hospitals is not subject to Use Tax providing:

- 1) the equipment described above must all be purchased for lease to a tax exempt hospital under a lease that has been executed or is in effect at the time of purchase;
  - 2) the lease must be for a period of one year or longer; and
  - 3) the lease must be to a hospital that has an active tax exemption identification number issued by the Department under Section 1g of the Retailers' Occupation Tax Act (see 86 Ill. Adm. Code 130.2007).
- c) The purchaser must provide the certification described below to the seller.
- 1) When this exemption may be properly claimed on the purchase of computer or other communications equipment, the purchaser must give the seller a certification stating that the computer or other communications equipment is being purchased for lease to a tax exempt hospital under a lease for a period of one year or longer executed or in effect at the time of the purchase.
  - 2) When this exemption may be properly claimed on the purchase of equipment used in the diagnosis, analysis, or treatment of hospital patients, the purchaser must give the seller a certification stating that the equipment is being purchased for lease to a tax exempt hospital under a lease for a period of one year or longer executed or in effect at the time of the purchase, and that the equipment is for use in the diagnosis, analysis, or treatment of hospital patients.
  - 3) The certification described in subsections (c)(1) and (c)(2) of this Section must also contain all of the following:
    - A) The seller's name and address;
    - B) The purchaser's name and address;
    - C) A description of the tangible personal property being purchased;
    - D) The purchaser's signature and date of signing;
    - E) The name and address of the hospital and its tax exemption identification number issued by the Department; and
    - F) The date the lease was executed and the lease period.
- d) For purposes of this Section, "hospital patients" means persons who seek any form of medical care including, but not limited to, medical treatment, testing, diagnosis, or therapy at a hospital or at another location under the control and supervision of a hospital. For example, persons who are sent by doctors for X-rays or other tests at qualifying hospitals, even though those persons are not admitted to those hospitals, are considered hospital patients.
- e) If computers or other equipment are ~~is~~ purchased by a lessor under the provisions of this Section and the computers or other equipment ~~are~~ ~~is~~ used in a manner that does not qualify for the exemption or are ~~is~~ used in any other non-exempt manner, the lessor is liable for the

## DEPARTMENT OF REVENUE

## NOTICE OF EMERGENCY AMENDMENTS

appropriate tax imposed under the Use Tax Act. Computers or other equipment being leased under qualifying leases that were entered into between January 1, 1996 and December 31, 2000 pursuant to the provisions of this Section continue to be exempt after January 1, 2001 until such time as the computer or other equipment are no longer being leased under those qualifying leases or are used in any other non-qualifying manner. In the event that the computers or other equipment are no longer leased in an exempt manner or are used in any other non-exempt manner ~~in that event~~, the amount of Use Tax liability incurred by the lessor is based on the fair market value of the computers or other equipment at the time the non-qualifying use occurred.

(Source: Amended by emergency rulemaking at 25 Ill. Reg. ~~1827~~ effective January 16, 2001, for a maximum of 150 days)

### Section 150.332 Persons Who Lease Tangible Personal Property to Governmental Bodies

#### EMERGENCY

- a) Effective January 1, 1996, through December 31, 2000, sales of tangible personal property to a lessor who leases that property to a governmental body are not subject to Use Tax provided that:
  - 1) the tangible personal property must be purchased for lease to a governmental body under a lease that has been executed or is in effect at the time of purchase;
  - 2) the lease must be for a period of one year or longer; and
  - 3) the lease must be to a governmental body that has an active tax exemption identification number issued by the Department under Section 1g of the Retailers' Occupation Tax Act (see 86 Ill. Adm. Code 130.2007).
- b) When this exemption may be properly claimed, the purchaser must give the seller a certification stating that the property is being purchased for lease to a governmental body, under a lease of one year or longer executed or in effect at the time of the purchase, and containing all of the following:
  - 1) The seller's name and address;
  - 2) The purchaser's name and address;
  - 3) A description of the tangible personal property being purchased;
  - 4) The purchaser's signature and date of signing;
  - 5) The name of the governmental body and its tax exemption identification number issued by the Department; and
  - 6) The date the lease was executed and the lease period.
- c) If the property is purchased by a lessor under the provisions of this Section and the property is used in a manner that does not qualify for the exemption or is used in any other non-exempt manner, the lessor is liable for the appropriate tax imposed under the Use Tax Act. The property being leased under qualifying leases that were

## DEPARTMENT OF REVENUE

## NOTICE OF EMERGENCY AMENDMENTS

entered into between January 1, 1996 and December 31, 2000 pursuant to the provisions of this Section continue to be exempt after January 1, 2001 until such time as the property is no longer being leased under those qualifying leases or are used in any other non-qualifying manner. In the event that the property is no longer leased in an exempt manner or is used in any other non-exempt manner ~~in that event~~, the amount of Use Tax liability incurred by the lessor is based on the fair market value of the property at the time the non-qualifying use occurred.

(Source: Amended by emergency rulemaking at 25 Ill. Reg. effective January 16, 2001, for a maximum of 150 days)

1829 1-1

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PUBLIC HEARING ON PROPOSED RULES

- 1) Heading of the Part: Assisted Living and Shared Housing Establishment Code.
- 2) Code Citation: 77 Ill. Adm. Code 295
- 3) Register Citation to Notice of Proposed Rules: 25 Ill. Reg. 1091 1-1

## 4) Dates, Times and Locations of Public Hearings:

February 16, 2001  
11 a.m. to 2 p.m.  
Rend Lake Community College  
Private Dining Area in the Student Center  
468 North Ken Gray Parkway  
Mount Vernon, Illinois

February 26, 2001  
9 a.m. to 12 p.m.  
Stratton Office Building  
Room A-1  
Springfield, Illinois

March 2, 2001  
11 a.m. to 2 p.m.  
Room 40, Ninth Floor  
James R. Thompson Center  
Chicago, Illinois

- 5) Other Pertinent Information: These hearings are being held solely to gather public comment on the proposed rules. Person interested in presenting testimony at these hearings are advised that the Department will adhere to the following procedures:

A) Persons wishing to offer oral or written testimony should register at the beginning of the hearing by completing a registration form available at the room entrance.

B) Persons giving oral testimony are asked to limit their comments to the time specified by the Department at the hearing. Persons who exceed the time limit will be advised to conclude their testimony so that each person who wishes to offer oral testimony has time to speak. Persons will not be recognized to speak a second time until all registered persons have been offered the opportunity to give testimony.

C) Organizations are asked to select one spokesperson to present their view so that repetitive testimony is avoided.

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PUBLIC HEARING ON PROPOSED RULES

D) The Department will also accept written testimony at the hearings. In addition, each person offering oral testimony should present the Department with a written copy of the oral comments.

E) To provide a balanced presentation of views and to assist the orderly conduct of the hearing, the Department may impose other rules of procedure as necessary, including, but not limited to, the order of the persons providing comments.

6) Agency contact person:

Paul Thompson  
Department of Public Health-Division of Legal Services  
535 West Jefferson Street, Floor #5  
Springfield, Illinois 62761-0001  
217/782-2043  
rules@idph.state.il.us

## OFFICE OF BANKS AND REAL ESTATE

## NOTICE OF PUBLIC INFORMATION

NOTICE OF EMERGENCY SUSPENSION UNDER  
THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Sections 4-5(c) and (g) of the Residential Mortgage License Act of 1987 ("the Act"), 205 ILCS 635/4-5(g) (1999), notice is hereby given that the Commissioner of the Office of Banks and Real Estate of the State of Illinois has suspended for 180 days the license of Chicago Loan Company, Chicago, Illinois, a license under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder effective January 5, 2001.

DEPARTMENT OF THE LOTTERY

NOTICE OF PUBLIC INFORMATION

Pursuant to the provisions of 20 ICs 1605/7.1, the Illinois Department of the Lottery shall publish each January in the Illinois Register a list of all game-specific rules, play instructions, directives, operations manuals, brochures, or other game-specific publications issued by the Department during the previous year. Following is the list of game-specific materials published by the Lottery during calendar year 2000.

- Departmental Directive #00-03: "Special Game Designation: Caesars Palace, Game #21"
- Departmental Directive #00-04: "Special Game Designation: Let's Make a Deal(R) Second Chance Promotion"
- Departmental Directive #00-05: "Special Game Designation: Spell It . . . You Could Win It Promotion"
- Departmental Directive #00-06: "Special Drawing Designation: Lifetime Bonus, Game #83"
- Departmental Directive #01-01: "Special Game Designation: Holiday Cash, Game #94"
- Game Rules - Instant Game No. 47, "Make it a Double/Dare Devil Doubler"
- Game Rules - Instant Game No. 48, "Let's Make a Deal(R)"
- Game Rules - Instant Game No. 49, "Bingo Extra"
- Game Rules - Instant Game No. 50, "Joker's Wild"
- Game Rules - Instant Game No. 52, "Ten Times Lucky"
- Game Rules - Instant Game No. 53, "Bonus 7's"
- Game Rules - Instant Game No. 54, "Win \$100,000"
- Game Rules - Instant Game No. 55, "\$20,000 Monte Carlo"
- Game Rules - Instant Game No. 56, "7-11-21"
- Game Rules - Instant Game No. 57, "Vote Tripler/Blue Moon Tripler"
- Game Rules - Instant Game No. 58, "Wild Bingo"
- Game Rules - Instant Game No. 59, "On the Double Double Doubler/World's Greatest Double Doubler"
- Game Rules - Instant Game No. 60, "Kings"
- Game Rules - Instant Game No. 62, "Fat Cat"
- Game Rules - Instant Game No. 63, "Loose Change/Pocket Change"
- Game Rules - Instant Game No. 64, "Solid Gold"
- Game Rules - Instant Game No. 65, "Money, Money, Money"
- Game Rules - Instant Game No. 66, "It's Your Special Day"
- Game Rules - Instant Game No. 67, "Quick Cash"
- Game Rules - Instant Game No. 69, "Wild Jackpot"
- Game Rules - Instant Game No. 70, "Winner Take All"
- Game Rules - Instant Game No. 71, "Fortune Cookie"
- Game Rules - Instant Game No. 72, "Happy Go Lucky"
- Game Rules - Instant Game No. 73, "Winning Deal"
- Game Rules - Instant Game No. 74, "Cash In"
- Game Rules - Instant Game No. 75, "Struck by Luck"
- Game Rules - Instant Game No. 77, "5 Card Cash"
- Game Rules - Instant Game No. 78, "\$15,000 Keno Cash"
- Game Rules - Instant Game No. 79, "Scream for Cash"
- Game Rules - Instant Game No. 80, "Let's O' Spots Bingo"

DEPARTMENT OF THE LOTTERY

NOTICE OF PUBLIC INFORMATION

- Game Rules - Instant Game No. 81, "Wild Money"
- Game Rules - Instant Game No. 82, "In the Money"
- Game Rules - Instant Game No. 83, "Lifetime Bonus"
- Game Rules - Instant Game No. 84, "Aces High"
- Game Rules - Instant Game No. 85, "Super Lucky 7's"
- Game Rules - Instant Game No. 86, "Fast Cash"
- Game Rules - Instant Game No. 87, "Be a Millionaire"
- Game Rules - Instant Game No. 88, "Lucky, Lucky Bucks"
- Game Rules - Instant Game No. 89, "\$20,000 Wild Time"
- Game Rules - Instant Game No. 90, "Aladdin's Fortune"
- Game Rules - Instant Game No. 91, "Turkey Tripler"
- Game Rules - Instant Game No. 92, "Double Bonus Bucks"
- Game Rules - Instant Game No. 93, "\$25,000 Poker Showdown"
- Game Rules - Instant Game No. 94, "Holiday Cash"
- Game Rules - Instant Game No. 95, "Holiday Surprise Bingo"
- Game Rules - Instant Game No. 96, "Jingle Bills"
- Game Rules - Instant Game No. 97, "You Betcha"
- Game Rules - Instant Game No. 98, "Merry Millionaire"
- Game Rules - Instant Game No. 01, "Crazy 8's Bingo"
- Game Rules - Instant Game No. 02, "Double Dollars/Double Your Money"
- Game Rules - Instant Game No. 03, "Twenty-Five Grand"
- Game Rules - Instant Game No. 04, "Trip Top Tripler/Time to Win Tripler"
- Game Rules - Instant Game No. 05, "Rainy Day Change/Car Wash Change"
- Game Rules - Instant Game No. 06, "Caesars Palace"
- Game Rules - Instant Game No. 07, "7-11-21"
- Game Rules - Instant Game No. 08, "Super Duper Double Doubler"
- Game Rules - Instant Game No. 09, "E-Z Bingo"
- Game Rules - Instant Game No. 10, "Instant Luck"
- Game Rules - Instant Game No. 11, "Luck of the Dice"
- Game Rules - Instant Game No. 13, "Coffee Change"
- Official Drawing Procedures: Lotto/Little Lotto Collect and Win Promotion
- Official Drawing Procedures: Let's Make a Deal(R) 2nd Chance Drawing
- Illinois' Luckiest TV Game Show Procedures, revised effective January 14, 2000
- Illinois' Luckiest TV Game Show Procedures, revised effective January 29, 2000
- Illinois' Luckiest TV Game Show Procedures, revised effective August 1, 2000
- Let's Make a Deal(R) Instant Game Second Chance Weekly Drawing Procedures
- Lotto/Little Lotto "Spell It . . . You Could Win It" Promotion Official Rules & Procedures
- Addendum to "Spell It . . . You Could Win It" Promotion Official Rules & Procedures
- Illinois Lottery State Fair Concert Ticket Second Chance Drawings, Official Rules & Procedures
- Illinois Lottery "Aladdin's Fortune Suitcase Party" Official Rules
- Pick 3/Pick 4 Holiday Bonus Promotion Official Rules (and extension)
- Instant Ticket Claim Dates
- Current Instant Game Chart
- 2000 Winning Numbers Lists (Pick 3, Pick 4, Little Lotto, Lotto, The Big Game)



## DEPARTMENT OF THE LOTTERY

## NOTICE OF PUBLIC INFORMATION

Lottery Financial History, Sales by Game/Where Your Dollar Goes  
How to Play Lottery brochure  
The Illinois Lottery: A History  
Instant Game Expiration Dates

Copies of the foregoing may be obtained by submitting a written request to:

Freedom of Information Officer  
Illinois Department of the Lottery  
P. O. Box 19080  
Springfield, Illinois 62794-9080

## DEPARTMENT OF REVENUE

## NOTICE OF PUBLIC INFORMATION

1. Statute requiring agency to publish information concerning Private Letter Rulings in the *Illinois Register*:

Name of Act: Illinois Department of Revenue Sunshine Act  
Citation: 20 ILCS 2515/1

2. Summary of information:

Index of Department of Revenue sales tax Private Letter Rulings and General Information Letters issued for the Fourth Quarter of 2000. Private letter rulings are issued by the Department in response to specific taxpayer inquiries concerning the application of a tax statute or rule to a particular fact situation. Private letter rulings are binding on the Department only as to the taxpayer who is the subject of the request for ruling. (See 86 Ill. Adm. Code 1200.110) General information letters are issued by the Department in response to written inquiries from taxpayers, taxpayer representatives, business, trade, industrial associations or similar groups. General information letters contain general discussions of tax principles or applications. General information letters are designed to provide general background information on topics of interest to taxpayers. General information letters do not constitute statements of agency policy that apply, interpret, or prescribe tax laws administered by the Department. *General information letters may not be relied upon by taxpayers in taking positions with reference to tax issues and create no rights for taxpayers under the Taxpayers' Bill of Rights Act.* (See 86 Ill. Adm. Code 1200.120)

The letters are listed numerically, are identified as either a General Information Letter or a Private Letter Ruling and are summarized with a brief synopsis under the following subjects:

|                                     |                                     |
|-------------------------------------|-------------------------------------|
| Agents                              | Manufacturers                       |
| Agricultural Producers and Products | Manufacturing Machinery & Equipment |
| Assessments                         | Medical Appliances                  |
| Automobile Renting Tax              | Miscellaneous                       |
| Bingo                               | Motor Fuel Tax                      |
| Books and Records                   | Motor Vehicles                      |
| Bulk Sales                          | Newsprint and Ink                   |
| C.O.A.D.                            | Nexus                               |
| Certificate of Registration         | Nonprofit Institutions              |
| Charitable Games                    | Occasional Sale                     |
| Cigarette Tax                       | Oil Field Equipment                 |
| Claims for Credit                   | Penalties                           |
| Coal Fueled Devices                 | Pollution Control Facilities        |
| Coal Mining Equipment               | Prepaid Sales Tax                   |
| Coins and Precious Metals           | Products of Photoprocessing         |

## DEPARTMENT OF REVENUE

## NOTICE OF PUBLIC INFORMATION

Computer Software  
 Construction Contractors  
 Cooperative Associations  
 Delivery Charges  
 Distillation Machinery  
 Drug Tax Stamps  
 Drugs  
 Electricity Excise Tax  
 Enterprise Zones  
 Exempt Organizations  
 Farm Machinery & Equipment  
 Federal Excise Tax  
 Financial Institutions  
 Food  
 Food, Drugs & Medical Appliances  
 Governmental Bodies  
 Graphic Arts  
 Gross Receipts  
 High Impact Business  
 Hotel Operators' Tax  
 Interest  
 Interstate Commerce  
 Itinerant Vendors  
 Invested Capital Tax  
 Leasing  
 Liquor Tax  
 Local Taxes  
 Mandatory Service Charges  
 Manufacturer's Purchase Credit

Property Tax  
 Public Utility Taxes  
 Real Estate Transfer Tax  
 Repairs  
 Replacement Vehicle Tax  
 Request for Information  
 Returns  
 Rolling Stock Exemption  
 Sale at Retail  
 Sale for Resale  
 Sale of Service  
 Service Occupation Tax  
 Signature  
 Special Order  
 Statute of Limitations  
 Tax Collection  
 Tax Increment Financing  
 Tax Rate  
 Telecommunications Excise Tax  
 Temporary Storage  
 Tire User Fee  
 Trade-Ins  
 Use Tax  
 Vehicle Use Tax  
 Vendors

Copies of the ruling letters themselves are available for inspection and may be purchased for a minimum of \$1.00 per opinion plus 50¢ per page for each page over one. Copies of the ruling letters may be downloaded free of charge from the Department's World Wide Web site at [www.revenue.state.il.us/](http://www.revenue.state.il.us/).

The annual index of Sales and Excise Tax letter rulings (all four quarters) is available for \$3.00.

## 3. Name and address of person to contact concerning this information:

Margaret Forth  
 Legal Services Office  
 101 West Jefferson Street  
 Springfield, Illinois 62794  
 Telephone: (217) 782-6996

## DEPARTMENT OF REVENUE

## NOTICE OF PUBLIC INFORMATION

## 2000 FOURTH QUARTER SUNSHINE INDEX

## AGENTS

ST 00-0241-GIL 10/30/2000 An auctioneer acting on behalf of an unknown or undisclosed principal is responsible for Retailers' Occupation Tax on the gross receipts from the sale. However, if the auctioneer is acting on behalf of a known or disclosed principal, the sale of tangible personal property is taxable to the principal and not the auctioneer if the principal is a retailer of the tangible personal property being sold at the auction. See 86 Ill. Adm. Code 130.1915. (This is a GIL.)

## CERTIFICATE OF REGISTRATION

ST 00-0226-GIL 10/19/2000 Section 2a of the Retailers' Occupation Tax Act, 35 ILCS 120/2a, provides that the application for a certificate of registration be signed and verified and include the name and social security number of the applicant. 86 Ill. Adm. Code 130.701. (This is a GIL.)

ST 00-0240-GIL 10/30/2000 The Department's regulations at 86 Ill. Adm. Code 700.340 provide that the term willful means a voluntary, conscious and intentional act on the part of the officer or employee. (This is a GIL.)

## CIGARETTE TAX

ST 00-0204-GIL 10/03/2000 It is the duty of each distributor to collect the tax from the retailer at or before the time of the sale, to affix the required stamps and to remit the tax collected from retailers to the Department. See 86 Ill. Adm. Code 440.10. (This is a GIL.)

ST 00-0249-GIL 11/08/2000 Under the Cigarette Tax Act, it is unlawful for any person to sell or distribute in this State any cigarettes the package of which bears any statement, label, stamp, sticker, or notice indicating that the manufacturer did not intend the cigarettes to be sold, distributed, or used in the United States, including but not limited to labels stating "For Export Only", "U.S. Tax Exempt", "For Use Outside U.S." or similar wording. See 86 Ill. Adm. Code 440.50. (This is a GIL.)

## CLAIMS FOR CREDIT

## DEPARTMENT OF REVENUE

## NOTICE OF PUBLIC INFORMATION

## 2000 FOURTH QUARTER SUNSHINE INDEX

ST 00-0213-GIL

10/11/2000 If a customer provides an Exemption or Resale Certificate after a sale where tax was paid, the seller may file a claim for credit with the Department. See 86 Ill. Adm. Code 130.1501. (This is a GIL.)

## COMPUTER SOFTWARE

ST 00-0031-PLR

11/30/2000 If transactions for the licensing of computer software meet all of the criteria provided in part (1) of subsection (a) of Section 130.1935, the transfer of the software will not be subject to Retailers' Occupation Tax liability. See 86 Ill. Adm. Code 130.1935. (This is a PLR.)

ST 00-0206-GIL

10/04/2000 Custom computer programs prepared to the special order of the customer are not subject to tax under the Retailers' Occupation Tax, Use Tax, Service Occupation Tax or Service Use Tax where certain elements are present. 86 Ill. Adm. Code 130.1935(c) (This is a GIL.)

ST 00-0210-GIL

10/05/2000 Retailers' Occupation Tax is imposed upon persons selling canned computer software at retail. See 35 ILCS 120/2. (This is a GIL.)

ST 00-0250-GIL

11/14/2000 Sales of canned computer software are subject to Retailers' Occupation Tax. See, Section 130.1935. (This is a GIL.)

ST 00-0260-GIL

11/21/2000 Generally, sales of "canned" computer software are taxable retail sales in Illinois. However, if the computer software consists of custom computer programs, then the sales of such software may not be taxable retail sales. See 86 Ill. Adm. Code 130.1935(c). (This is a GIL.)

ST 00-0262-GIL

11/27/2000 If transactions for the licensing of computer software meet all of the criteria provided in Section 130.1935(a)(1), neither the transfer of the software or the subsequent software updates will be subject to Retailers' Occupation Tax. (This is a GIL.)

ST 00-0264-GIL

11/27/2000 IF transactions for the licensing of computer software meet all of the criteria provided in 86 Ill. Adm. Code Section 130.1935(a)(1), neither the transfer of the software or the subsequent software updates will be subject

## DEPARTMENT OF REVENUE

## NOTICE OF PUBLIC INFORMATION

## 2000 FOURTH QUARTER SUNSHINE INDEX

to Retailers' Occupation Tax. (This is a GIL.)

ST 00-0278-GIL

12/06/2000 The sale of canned software to Illinois users is considered to be the taxable sale of tangible personal property regardless of the form in which it is transferred or transmitted, including tape, disc, card, electronic means or other media. See 86 Ill. Adm. Code 130.1935. (This is a GIL.)

## CONSTRUCTION CONTRACTORS

ST 00-0214-GIL

10/16/2000 Contractors that make improvements to real estate by taking materials off the market and permanently affixing them to real estate in Illinois owe Use Tax on the cost price of those materials. See 86 Ill. Adm. Code 130.1940. (This is a GIL.)

ST 00-0233-GIL

10/26/2000 Persons who permanently affix tangible personal property to real estate act as construction contractors and incur Use Tax liability on their cost price of tangible personal property they physically incorporate into realty. See 86 Ill. Adm. Code 130.1940. (This is a GIL.)

ST 00-0252-GIL

11/16/2000 Construction contractors who physically incorporate tangible personal property into real estate owned by exempt organizations, such as governmental bodies, that hold tax exempt "E" numbers, can purchase such tangible personal property tax-free by providing their suppliers with the certification described in Section 130.2075(d), as well as the "E" number of the group into whose real estate that property will be incorporated. (This is a GIL.)

ST 00-0261-GIL

11/27/2000 In Illinois, construction contractors are deemed end users of tangible personal property purchased for incorporation into real property. As end users of such tangible personal property, contractors incur Use Tax liability for such purchases based upon the cost price of the tangible personal property. 86 Ill. Adm. Code 130.1940 and 130.2075. (This is a GIL.)

ST 00-0265-GIL

11/28/2000 Contractors who physically incorporate tangible personal property into real estate owned by holders of "E" numbers can purchase such property tax-free by providing their suppliers with the certification described in Section 130.2075(d)(4), as well as the "E" number of the group into

## DEPARTMENT OF REVENUE

## NOTICE OF PUBLIC INFORMATION

## 2000 FOURTH QUARTER SUNSHINE INDEX

whose real estate that property will be incorporated. (This is a GIL.)

ST 00-0284-GIL

12/11/2000 Under Illinois law, persons who affix tangible personal property to real estate in Illinois act as construction contractors and incur Use Tax liability on their cost price of that tangible personal property. 86 Ill. Adm. Code 130.1940 and 130.2075. (This is a GIL.)

ST 00-0289-GIL

12/14/2000 A person who permanently affixes building materials to real estate is deemed to be a construction contractor. In Illinois, construction contractors are deemed to be the end users of the tangible personal property they permanently affix to real estate and incur Use Tax liability based on the cost price of the building materials so purchased. (This is a GIL.)

ST 00-0295-GIL

12/20/2000 Construction contractors who make improvements to real estate by taking materials off the market and permanently affixing them to real estate owe Use Tax on the cost price of those materials. See 86 Ill. Adm. Code 130.2075. (This is a GIL.)

## DELIVERY CHARGES

ST 00-0237-GIL

10/26/2000 Mail order delivery charges are considered separately agreed upon service charges so long as the mail order form requires a separate charge for delivery and so long as the charges designated as transportation or delivery, or shipping and handling, charges are actually reflective of the costs of such shipping, transportation or delivery. See 86 Ill. Adm. Code 130.415(d). (This is a GIL.)

ST 00-0268-GIL

11/29/2000 Whether shipping or freight charges may be deducted by retailers in calculating Retailers' Occupation Tax liability depends not upon the separate billing of such freight or delivery charges but upon whether the charges are included in the selling prices of the property or are contracted for separately by purchasers and retailers. See 86 Ill. Adm. Code 130.450. (This is a GIL.)

ST 00-0270-GIL

11/29/2000 As a technical proposition, handling charges represent a retailer's cost of doing business, and are consequently always included in gross charges subject to tax. See, 86 Ill. Adm. Code 130.410. (This is a GIL.)

## DEPARTMENT OF REVENUE

## NOTICE OF PUBLIC INFORMATION

## 2000 FOURTH QUARTER SUNSHINE INDEX

## ENTERPRISE ZONES

ST 00-0025-PLR

10/19/2000 This letter discusses whether combustion gas turbines and related materials can qualify as building materials for purposes of the enterprise zone building materials exemption from sales tax. See 86 Ill. Adm. Code 130.1951. (This is a PLR.)

ST 00-0026-PLR

11/03/2000 The enterprise zone building materials exemption allows retailers located in the municipality or unincorporated area of a county that established an enterprise zone to make tax-free sales of building materials that will be incorporated into real estate located in the enterprise zone. See 86 Ill. Adm. Code 130.1951. (This is a PLR.)

ST 00-0033-PLR

12/11/2000 The enterprise zone building materials exemption allows retailers located in the municipality or unincorporated area of a county that established an enterprise zone to make tax-free sales of building materials that will be incorporated into real estate located in the enterprise zone. See 86 Ill. Adm. Code 130.1951. (This is a PLR.)

ST 00-0034-PLR

12/11/2000 The enterprise zone building materials exemption allows retailers located in the municipality or unincorporated area of a county that established an enterprise zone to make tax-free sales of building materials that will be incorporated into real estate located in the enterprise zone. See 86 Ill. Adm. Code 130.1951. (This is a PLR.)

ST 00-0211-GIL

10/05/2000 The enterprise zone building materials exemption allows retailers located in the municipality or unincorporated area of a county that established an enterprise zone to make tax-free sales of building materials that will be incorporated into real estate located in the enterprise zone. See 86 Ill. Adm. Code 130.1951. (This is a GIL.)

## EXEMPT ORGANIZATIONS

ST 00-0019-PLR

10/02/2000 Gross receipts from proceeds from the sale of



## DEPARTMENT OF REVENUE

## NOTICE OF PUBLIC INFORMATION

## 2000 FOURTH QUARTER SUNSHINE INDEX

personal property, including food, purchased through fundraising events for the benefit of a public or private elementary or secondary school, a group of those schools, or one or more school districts if the events are sponsored by an entity recognized by the school district that consists primarily of volunteers and includes parents and teachers of the school children are exempt from Retailers' Occupation Tax. See 86 Ill. Adm. Code 130.120. (This is a PLR.)

ST 00-0020-PLR

10/02/2000 Sales by exclusively charitable, religious or educational organizations are not subject to Retailers' Occupation Tax when it can be said that such selling is noncompetitive with business establishments. See 86 Ill. Adm. Code 130.2005. (This is a PLR.)

ST 00-0021-PLR

10/02/2000 Organizations that have exemption identification numbers issued by the Department may engage in two occasional dinners, socials or other similar activities in a calendar year without incurring Retailers' Occupation Tax liability. See 86 Ill. Adm. Code 130.2005. (This is a PLR.)

ST 00-0022-PLR

10/02/2000 Sales by teacher-sponsored student organizations affiliated with an elementary or secondary school located in Illinois are exempt from Retailers' Occupation Tax. See 86 Ill. Adm. Code 130.2006. (This is a PLR.)

ST 00-0219-GIL

10/18/2000 Organizations that make application to the Department of Revenue and are determined to be exclusively religious, educational, charitable, or a governmental body receive an exemption identification number ("E" number) and are also allowed to engage in a very limited amount of retail selling without incurring Retailers' Occupation Tax liability. See 86 Ill. Adm. Code 130.2005. (This is a GIL.)

ST 00-0231-GIL

10/25/2000 Organizations that are exclusively religious, educational, or charitable can make application to the Department for exemption identification numbers required to make tax-free purchases of tangible personal property for use or consumption. See 86 Ill. Adm. Code 130.2005. (This is a GIL.)

ST 00-0243-GIL

10/31/2000 Organizations that make application to the Department and are determined to be exclusively religious, educational, or charitable receive an exemption identification number. Organizations that have exemption

## DEPARTMENT OF REVENUE

## NOTICE OF PUBLIC INFORMATION

## 2000 FOURTH QUARTER SUNSHINE INDEX

identification numbers are allowed to engage in a very limited amount of retail selling without incurring Retailers' Occupation Tax liability. See 86 Ill. Adm. Code 130.2005. (This is a GIL.)

ST 00-0251-GIL

11/15/2000 Sales to exempt organizations of tangible personal property required to be registered with an agency of this State may be made tax exempt even if a member of the organization is listed along with the exempt organization on the application for title. See 86 Ill. Adm. Code 130.2005 and 130.2007. This letter rescinds General Information Letter ST 96-0040. (This is a GIL.)

ST 00-0287-GIL

12/13/2000 This letter discusses the applicability of the Vehicle Use Tax, 625 ILCS 5/3-1001, to Federal Credit Unions under 12 U.S.C. 1768. (This is a GIL.)

## FEDERAL EXCISE TAX

ST 00-0205-GIL

10/04/2000 Federal taxes are deductible from gross receipts for purposes of calculating Retailers' Occupation Tax (sales tax) when the seller is required by federal law to collect such taxes from his customers and to remit such taxes directly to the federal government. Please refer to 86 Ill. Adm. Code 130.445. (This is a GIL.)

## FOOD

ST 00-0227-GIL

10/19/2000 Food is defined as any solid, liquid, powder or item intended by the seller primarily for human internal consumption, whether simple, compound or mixed, including foods such as condiments, spices, seasonings, vitamins, bottled water and ice. See 86 Ill. Adm. Code 130.310. (This is a GIL.)

ST 00-0236-GIL

10/26/2000 A dietary supplement could classify as a food taxed at the reduced rate of tax if it is not considered sold for immediate or on-site consumption after application of the criteria detailed in 86 Ill. Adm. Code 130.310. See 86 Ill. Adm. Code 130.310 (This is a GIL.)

## FOOD, DRUGS &amp; MEDICAL APPLIANCES

## DEPARTMENT OF REVENUE

## NOTICE OF PUBLIC INFORMATION

## 2000 FOURTH QUARTER SUNSHINE INDEX

12/07/2000 A medical appliance is defined as an item which is intended by its manufacturer for use in directly substituting for a malfunctioning part of the body. See 86 Ill. Adm. Code 130.310. (This is a GIL.)

## GROSS RECEIPTS

10/05/2000 When an item of tangible personal property is sold at retail and includes a core fee, the full retail selling price of the item, including the core fee, is subject to Retailers' Occupation Tax liability. See 86 Ill. Adm. Code 130.401 and 130.425. (This is a GIL.)

## ST 00-0220-GIL

10/18/2000 When an item of tangible personal property is sold at retail and includes a core charge, the full retail selling price of the item, including the core charge, is subject to Retailers' Occupation Tax liability. See 86 Ill. Adm. Code 130.425. (This is a GIL.)

## ST 00-0246-GIL

11/08/2000 In computing Retailers' Occupation Tax liability, no deductions shall be taken by a taxpayer from gross receipts on account of the cost of the property sold, the cost of materials used, labor costs, or any other expense whatsoever. See 86 Ill. Adm. Code 130.410. (This is a GIL.)

## ST 00-0283-GIL

12/11/2000 A caterer's charges for wait staff, equipment rental, linen and delivery are to be included in his gross receipts and are fully taxable. These are costs of doing business, which are never deductible from gross receipts when calculating Retailers' Occupation Tax liability. See 86 Ill. Adm. Code 130.410. (This is a GIL.)

## ST 00-0297-GIL

12/22/2000 In computing Retailers' Occupation Tax liability, no deductions shall be taken by a taxpayer from gross receipts on account of the cost of the property sold, or any other cost of doing business. See 86 Ill. Adm. Code 130.410. (This is a GIL.)

## LEASING

10/05/2000 Lease agreements that contain purchase options that are equal to the fair market value of the tangible personal property at the end of the lease term are

## DEPARTMENT OF REVENUE

## NOTICE OF PUBLIC INFORMATION

## 2000 FOURTH QUARTER SUNSHINE INDEX

considered true leases, and the lessors incur Use Tax liability on their cost price of tangible personal property purchased for rental purposes. See 86 Ill. Adm. Code 130.2010. (This is a GIL.)

## ST 00-0229-GIL

10/24/2000 In Illinois, lessors of tangible personal property under a true lease, except for automobiles leased for terms of one year or less, are considered to be the end users of the property to be leased. See 86 Ill. Adm. Code 130.2010. (This is a GIL.)

## ST 00-0277-GIL

12/06/2000 86 Ill. Adm. Code Section 130.2010(a), sets out the factors to be considered in determining whether a transaction is a lease or a conditional sales contract for purposes of the Retailers' Occupation Tax Act. (This is a GIL.)

## LOCAL TAXES

## ST 00-0215-GIL

10/17/2000 In general, the imposition of the various local sales taxes in Illinois takes effect when "selling" occurs in a jurisdiction imposing a tax. See 86 Ill. Adm. Code 270.115(b). (This is a GIL.)

## ST 00-0285-GIL

12/12/2000 The Department looks to Section 270.115 as guidance in determining the situs of the retail sale for Retailers' Occupation Tax and Home Rule Municipal Retailers' Occupation Tax purposes. See 86 Ill. Adm. Code 270.115. (This is a GIL.)

## MANUFACTURER'S PURCHASE CREDIT

## ST 00-0259-GIL

11/21/2000 The State of Illinois provides a manufacturer's purchase credit in addition to the exemption for manufacturing machinery and equipment. Purchasers of manufacturing machinery and equipment that qualifies for the manufacturing machinery and equipment exemption earn a credit in an amount equal to a fixed percentage of the tax which would have been incurred under the Use Tax or Service Use Tax. 35 ILCS 105/3-85; 35 ILCS 110/3-70. (This is a GIL.)

## MANUFACTURING MACHINERY &amp; EQUIPMENT

## DEPARTMENT OF REVENUE

## DEPARTMENT OF REVENUE

## NOTICE OF PUBLIC INFORMATION

## NOTICE OF PUBLIC INFORMATION

## 2000 FOURTH QUARTER SUNSHINE INDEX

## 2000 FOURTH QUARTER SUNSHINE INDEX

ST 00-0035-PLR 12/15/2000 Machinery and equipment used primarily (over 50 % of the time) in the manufacturing or assembling of tangible personal property for wholesale or retail sale or lease is exempt from Retailers' Occupation Tax and Use Tax liability. See 86 Ill. Adm. Code 130.330. (This is a PLR.)

GIL.) 11/27/2000 Medicines and medical appliances are not taxed at the normal rate of 6.25%. These items are taxed at a lower State rate of 1% plus the applicable local tax rate. See 86 Ill. Adm. Code 130.310. (This is a GIL.)

ST 00-0221-GIL 10/19/2000 The Manufacturing Machinery and Equipment Exemption is not available for machinery or equipment used by retailers at retail locations for preparing individual orders to an individual retail customer's specifications because such operations are not commonly regarded as manufacturing. See 86 Ill. Adm. Code 130.330. (This is a GIL.)

## MISCELLANEOUS

ST 00-0023-PLR

10/02/2000 The sale of containers are not subject to Retailers' Occupation Tax liability or Use Tax when the purchasers of those containers transfer to customers the ownership of the containers together with what is contained in them. 86 Ill. Adm. Code 130.2070. (This is a PLR.)

ST 00-0255-GIL

11/21/2000 Under the Retailers' Occupation Tax Act, the manufacturing machinery and equipment exemption extends to machinery and equipment that is used primarily (over 50% of the time) in the manufacturing or assembling of tangible personal property for wholesale or retail sale or lease. See 86 Ill. Adm. Code 130.330. (This is a GIL.)

ST 00-0208-GIL

10/05/2000 A legal settlement is not generally considered a transfer or sale of tangible personal property in this State and would not be subject to either Retailers' Occupation Tax or Use Tax liability. See 35 ILCS 120/2. (This is a GIL.)

ST 00-0257-GIL

11/21/2000 The Retailers' Occupation Tax does not apply to sales of machinery and equipment used primarily in the manufacturing or assembling of tangible personal property for wholesale or retail sale or lease. See 86 Ill. Adm. Code 130.330. (This is a GIL.)

ST 00-0224-GIL

10/19/2000 The Department has no statutory authority to waive the mandatory Electronic Funds Transfer requirements contained in Section 3 of the Retailers' Occupation Tax Act. See 35 ILCS 120/3. (This is a GIL.)

ST 00-0279-GIL

12/06/2000 This letter describes how the Manufacturing Machinery and Equipment Exemption and Manufacturer's Purchase Credit applies in regards to ready-mix concrete batch plants and ready-mix concrete trucks. See 86 Ill. Adm. Code 130.330 and 130.331. (This is a GIL.)

ST 00-0234-GIL

10/26/2000 The Department has no statutory authority to waive the mandatory Electronic Funds Transfer requirements contained in Section 3 of the Retailers' Occupation Tax Act. See 35 ILCS 120/3. (This is a GIL.)

ST 00-0296-GIL

12/21/2000 Machinery or equipment used to transport work in progress, or unfinished goods, between plants does not qualify for the manufacturing machinery and equipment exemption. See 86 Ill. Adm. Code 130.330. (This is a GIL.)

ST 00-0254-GIL

11/21/2000 All information received by the Department from returns filed under the Retailers' Occupation Tax Act, or from any investigation conducted under the Act, shall be confidential, except for official purposes. See 35 ILCS 120/11. (This is a GIL.)

11/21/2000 This letter answers whether a list of items is subject to sales/use tax in Illinois. (This is a GIL.)

ST 00-0258-GIL

## MEDICAL APPLIANCES

11/30/2000 This letter discusses sales tax on various electro-optical distribution exchange services. See 35 ILCS 120/1 et seq. (This is a GIL.)

ST 00-0271-GIL

11/06/2000 A Dental Crown would qualify as a medical appliance because it substitutes for a malfunctioning part of the body. See 86 Ill. Adm. Code 130.310. (This is a

ST 00-0276-GIL

12/06/2000 The Department authorizes wholesalers whose

## DEPARTMENT OF REVENUE

## NOTICE OF PUBLIC INFORMATION

## 2000 FOURTH QUARTER SUNSHINE INDEX

products are sold at retail by numerous distributors to assume responsibility for accounting and paying to the Department all tax accruing under the Retailers' Occupation Tax with respect to such sales. See, 86 Ill. Adm. Code 130.550 (This is a GIL.)

12/14/2000 Manufacturers, importers and wholesalers may enter into agency agreements with the Department, whereby they register, file returns and remit sales tax on behalf of retailers selling their products. See 86 Ill. Adm. Code Section 130.550. (This is a GIL.)

## MOTOR FUEL TAX

10/19/2000 Heating oil that is not delivered directly into the fuel supply tanks of motor vehicles does not qualify for the reduced rate of sales tax on motor fuel. See 86 Ill. Adm. Code 130.101. (This is a GIL.)

10/27/2000 This letter distinguishes retailers of motor fuel from distributors, receivers, and suppliers. See 35 ILCS 505/1 et seq. and 86 Ill. Adm. Code Part 500. (This is a GIL.)

## NEXUS

10/05/2000 This letter provides a ruling on whether a specific purchase of an aircraft qualifies as an occasional sale. See 35 ILCS 105/2. (This is a PLR.)

## OCCASIONAL SALE

11/06/2000 When persons sell tangible personal property which they are not otherwise engaged in selling, such transactions may be occasional sales not subject to ROT. See 86 Ill. Adm. Code 130.110. (This is a PLR.)

11/06/2000 When persons sell tangible personal property which they are not otherwise engaged in selling, such transactions may be occasional sales not subject to ROT. See 86 Ill. Adm. Code 130.110. (This is a PLR.)

11/06/2000 When persons sell tangible personal property which they are not otherwise engaged in selling, such transactions may be occasional sales not subject to ROT. See 86 Ill. Adm. Code 130.110. (This is a PLR.)

## DEPARTMENT OF REVENUE

## NOTICE OF PUBLIC INFORMATION

## 2000 FOURTH QUARTER SUNSHINE INDEX

transactions may be occasional sales not subject to ROT. See 86 Ill. Adm. Code 130.110. (This is a PLR.)

## PRODUCTS OF PHOTOPROCESSING

10/25/2000 In transactions in which products of photoprocessing are sold in conjunction with other services, if a charge for the photoprocessing component is not separately stated, tax is imposed on 50% of the entire selling price unless the sale is made by a professional photographer, in which case tax shall be imposed on 10% of the entire selling price of the products of photoprocessing. See 86 Ill. Adm. Code 130.2000. (This is a GIL.)

## ROLLING STOCK EXEMPTION

11/20/2000 Effective August 14, 1999, motor vehicles, trailers, and property attached to those motor vehicles and trailers must carry persons or property for hire in interstate commerce on 15 or more occasions within a 12-month period to qualify for the Rolling Stock Exemption. See 86 Ill. Adm. Code 130.340. (This is a GIL.)

## ST 00-0267-GIL

11/28/2000 The Retailers' Occupation Tax Act provides an exemption for tangible personal property sold to interstate carriers for hire for use as rolling stock moving in interstate commerce or to lessors of such interstate carriers. See 35 ILCS 120/2-5(12) and (13) (1998 State Bar Edition). (This is a GIL.)

## ST 00-0280-GIL

12/07/2000 Motor vehicles, as defined in Section 1-146 of the Illinois Vehicle Code, trailers, as defined in Section 1-209 of the Illinois Vehicle Code, and all property purchased for the purpose of being attached to those motor vehicles or trailers as a part thereof, will qualify for the Rolling Stock Exemption if they carry persons or property for hire in interstate commerce on 15 or more occasions in a 12-month period. See 86 Ill. Adm. Code 130.340. (This is a GIL.)

## SALE AT RETAIL

11/03/2000 Because caterers are retail vendors of tangible



## DEPARTMENT OF REVENUE

## NOTICE OF PUBLIC INFORMATION

## 2000 FOURTH QUARTER SUNSHINE INDEX

personal property pursuant to 86 Ill. Adm. Code 130.2145(a), sales of coffee they make are sales at retail. (This is a PLR.)

ST 00-02222-GIL

10/19/2000 When persons sell seeds to purchasers who will sow the seeds to raise prairie grasses that they will use and not resell, such vendors are engaged in the business of selling tangible personal property for use or consumption and are required to remit ROT on such sales. See 86 Ill. Adm. Code 130.2110. (This is a GIL.)

ST 00-02335-GIL

10/26/2000 Used tires allegedly given away with only charges for labor in removing the used tires from the wheels of salvaged vehicles are considered sales at retail. See 86 Ill. Adm. Code 130.101. (This is a GIL.)

ST 00-0242-GIL

10/31/2000 Persons who sell signs that have commercial value (i. e., value to persons other than the purchasers thereof) incur Retailers' Occupation Tax (sales tax) liability when making such sales, even if such signs are produced on special order for the purchaser. See 86 Ill. Adm. Code 130.2155. (This is a GIL.)

## SALE FOR RESALE

ST 00-0218-GIL

10/18/2000 This letters discusses issues regarding when printers of carded packaging may provide their suppliers with Certificates of Resale for purchases of tangible personal property that they will transfer to customers. See 86 Ill. Adm. Code 130.2070, 86 Ill. Adm. Code 130.2000 and 86 Ill. Adm. Code 140.101. (This is a GIL.)

ST 00-0232-GIL

10/26/2000 The sale of tangible personal property for the purpose of resale is not taxable so long as the purchaser provides the seller with a Certificate of Resale in accordance with 86 Ill. Adm. Code 130.1405. (This is a GIL.)

ST 00-0247-GIL

11/08/2000 To be valid in Illinois a Certificate of Resale must contain the items of information listed in 86 Ill. Adm. Code 130.1405(b) (This is a GIL.)

ST 00-0266-GIL

11/28/2000 Illinois law requires a Certificate of Resale to contain the information set out in 86 Ill. Adm. Code

## DEPARTMENT OF REVENUE

## NOTICE OF PUBLIC INFORMATION

## 2000 FOURTH QUARTER SUNSHINE INDEX

130.1405(b). (This is a GIL.)

ST 00-0272-GIL

12/05/2000 The information required to be contained on a Certificate of Resale is set out at 86 Ill. Adm. Code 130.1405(b). (This is a GIL.)

ST 00-0288-GIL

12/14/2000 Retailers' Occupation Tax applies to the receipts of sales to persons who engage in the business of selling steam to purchasers for use or consumption and not for resale. 86 Ill. Adm. Code 130.2156(a). (This is a GIL.)

ST 00-0292-GIL

12/15/2000 Illinois law requires a Certificate of Resale to contain the information set out in 86 Ill. Adm. Code 130.1405(b). (This is a GIL.)

## SALE OF SERVICE

ST 00-0216-GIL

10/18/2000 Sales of services that are accompanied with the transfer of tangible personal property is subject to liability under the Service Occupation Tax Act. See 86 Ill. Adm. Code 140.101. (This is a GIL.)

ST 00-0256-GIL

11/21/2000 The sale of service that is accompanied by the incidental transfer of tangible personal property would be subject to liability under the Service Occupation Tax Act. See 86 Ill. Adm. Code 140.101. (This is a GIL.)

ST 00-0286-GIL

12/12/2000 If a charge is being made only for the transmission of electronic information, apart from a charge for canned computer software, no tangible personal property is being transferred and no Illinois sales tax or service tax would be incurred. See 86 Ill. Adm. Code 130.1935. (This is a GIL.)

## SERVICE OCCUPATION TAX

ST 00-0032-PLR

12/08/2000 In multi-service situations, a primary serviceman's cost price is determined either by the separately stated selling price of the tangible personal property transferred from a secondary serviceman or if the secondary serviceman does not separately state the cost of goods, it is presumed that the primary serviceman's cost price is 50% of the secondary serviceman's total charge. See 86 Ill. Adm. Code 140.301. (This is a PLR.)

## DEPARTMENT OF REVENUE

## DEPARTMENT OF REVENUE

## NOTICE OF PUBLIC INFORMATION

## NOTICE OF PUBLIC INFORMATION

## 2000 FOURTH QUARTER SUNSHINE INDEX

## 2000 FOURTH QUARTER SUNSHINE INDEX

ST 00-0244-GIL

10/05/2000 Unregistered de minimis servicemen must either pay Use Tax to their suppliers or self-assess and remit Use Tax to the Department when making purchases from unregistered out-of-State suppliers. See 86 Ill. Adm. Code 140.101(f). (This is a GIL.)

ST 00-0294-GIL

12/15/2000 Charges for automated information retrieval or data processing are not taxable under the Telecommunications Excise Tax. See 86 Ill. Adm. Code 495.100(c). (This is a GIL.)

ST 00-0269-GIL

11/29/2000 Under the Service Occupation Tax Act, servicemen are taxed on tangible personal property transferred incident to sales of service. See 86 Ill. Adm. Code 140.101. (This is a GIL.)

TEMPORARY STORAGE

ST 00-0293-GIL

12/15/2000 Under the Service Occupation Tax Act, servicemen are taxed on tangible personal property transferred incident to sales of service. See 86 Ill. Adm. Code 140.101. (This is a GIL.)

ST 00-0212-GIL

10/05/2000 Temporary storage is not applicable to transactions where there is Retailers' Occupation Tax liability because the exemption is limited to situations where the only liability that can be involved is Use Tax. 86 Ill. Adm. Code 150.310. (This is a GIL.)

## TELECOMMUNICATIONS EXCISE TAX

## USE TAX

ST 00-0028-PLR

11/06/2000 "Gross charges" does not include charges for the storage of data or information for subsequent retrieval or charges for the processing of data or information intended to change its form or content. See Section 2(a)(3) of the Act. (This is a PLR.)

ST 00-0225-GIL

10/19/2000 Under the Use Tax Act, a tax is imposed upon the privilege of using in this State tangible personal property purchased at retail from a retailer. 35 ILCS 105/3. See 86 Ill. Adm. Code 150.101. (This is a GIL.)

ST 00-0228-GIL

10/20/2000 The Telecommunications Excise Tax is imposed upon the act or privilege of originating or receiving intrastate or interstate telecommunications in Illinois at the rate of 7% of the gross charges for such telecommunications purchased at retail from retailers. See 35 ILCS 630/3 and 630/4. (This is a GIL.)

ST 00-0248-GIL

11/08/2000 The cost of the fabrication labor on pipes, as well as the cost of the pipes would be included in the Use Tax base of a construction contractor permanently installing custom-made piping as part of a construction contract. See 35 ILCS 105/3-10. (This is a GIL.)

ST 00-0238-GIL

10/26/2000 The Telecommunications Excise Tax Act, found at 35 ILCS 630/1 et seq., imposes a tax upon the act or privilege of originating or receiving in the State of Illinois interstate telecommunications by a person in Illinois at the rate of 7% of the gross charge for such telecommunications purchased at retail from a retailer by such person. See, 35 ILCS 630/4. (This is a GIL.)

ST 00-0275-GIL

12/05/2000 Out-of-State sellers who fall under the definition of a "retailer maintaining a place of business in this State" must register to collect Illinois Use Tax from Illinois customers and remit that tax to the Department. See 86 Ill. Adm. Code Sec. 150.201(i) and 150.801(c). (This is a GIL.)

ST 00-0290-GIL

12/14/2000 The Telecommunications Excise Tax is imposed upon the act or privilege of originating or receiving intrastate or interstate telecommunications in Illinois at the rate of 7% of the gross charges for such telecommunications purchased at retail from retailers. See 86 Ill. Adm. Code

ST 00-0281-GIL

12/07/2000 The Use Tax Act imposes a tax upon the privilege of using in this State tangible personal property purchased anywhere at retail from a retailer. See 86 Ill. Adm. Code 150.101. (This is a GIL.)

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF OBJECTION TO  
EMERGENCY RULEMAKING

OFFICE OF BANKS AND REAL ESTATE

Heading of the Part: High Risk Home Loans

Code Citation: 38 Ill Adm Code 345

Section Numbers: 345.130 345.140 345.150

Date Originally Published in the Illinois Register: 12/29/00  
24 Ill Reg 19308

At its meeting on January 9, 2001, the Joint Committee on Administrative Rules objected to the Office of Banks and Real Estate's emergency rules titled "High Risk Home Loans" (38 Ill Adm Code 345) because the creation of a February 1 reporting requirement is unduly burdensome on the class of financial institutions affected; because the rule fails to meet the criteria for emergency rulemaking under Section 230.400(a)(1) and (a)(3)(A) and (B) of JCAR's operational rules; and to permit the Office time to develop alternative reporting requirements, with the benefit of public comment.

Failure of the agency to respond within 90 days after receipt of the Statement of Objection shall be deemed a refusal. The agency's response will be placed on the JCAR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF OBJECTION TO  
EMERGENCY RULEMAKING

OFFICE OF BANKS AND REAL ESTATE

Heading of the Part: Illinois Savings and Loan Act of 1985

Code Citation: 38 Ill Adm Code 1000

Section Numbers: 1000.3650 1000.3700 1000.3750

Date Originally Published in the Illinois Register: 12/29/00  
24 Ill Reg 19312

At its meeting on January 9, 2001, the Joint Committee on Administrative Rules objected to the Office of Banks and Real Estate's emergency rules titled "Illinois Savings and Loan Act of 1985" (38 Ill Adm Code 100) because the creation of a February 1 reporting requirement is unduly burdensome on the class of financial institutions affected; because the rule fails to meet the criteria for emergency rulemaking under Section 230.400(a)(1) and (a)(3)(A) and (B) of JCAR's operational rules; and to permit the Office time to develop alternative reporting requirements, with the benefit of public comment.

Failure of the agency to respond within 90 days after receipt of the Statement of Objection shall be deemed a refusal. The agency's response will be placed on the JCAR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF OBJECTION TO  
EMERGENCY RULEMAKING

## OFFICE OF BANKS AND REAL ESTATE

Heading of the Part: Residential Mortgage License Act of 1987Code Citation: 38 Ill Adm Code 1050Section Numbers: 1050.1910 1050.1920 1050.1930Date Originally Published in the Illinois Register: 12/29/00  
24 Ill Reg 19322

At its meeting on January 9, 2001, the Joint Committee on Administrative Rules objected to the Office of Banks and Real Estate's emergency rules titled "Residential Mortgage License Act of 1987" (38 Ill Adm Code 1050) because the creation of a February 1 reporting requirement is unduly burdensome on the class of financial institutions affected; because the rule fails to meet the criteria for emergency rulemaking under Section 230.400(a)(1) and (a)(3)(A) and (B) of JCAR's operational rules; and to permit the Office time to develop alternative reporting requirements, with the benefit of public comment.

Failure of the agency to respond within 90 days after receipt of the Statement of Objection shall be deemed a refusal. The agency's response will be placed on the JCAR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF OBJECTION TO  
EMERGENCY RULEMAKING

## OFFICE OF BANKS AND REAL ESTATE

Heading of the Part: Savings Bank ActCode Citation: 38 Ill Adm Code 1075Section Numbers: 1075.3650 1075.3700 1075.3750Date Originally Published in the Illinois Register: 12/29/00  
24 Ill Reg 19331

At its meeting on January 9, 2001, the Joint Committee on Administrative Rules objected to the Office of Banks and Real Estate's emergency rules titled "Savings Bank Act" (38 Ill Adm Code 1075) because the creation of a February 1 reporting requirement is unduly burdensome on the class of financial institutions affected; because the rule fails to meet the criteria for emergency rulemaking under Section 230.400(a)(1) and (a)(3)(A) and (B) of JCAR's operational rules; and to permit the Office time to develop alternative reporting requirements, with the benefit of public comment.

Failure of the agency to respond within 90 days after receipt of the Statement of Objection shall be deemed a refusal. The agency's response will be placed on the JCAR agenda for further consideration.



JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

FILING PROHIBITION

ILLINOIS COMMERCE COMMISSION

Heading of the Part: Requirements for Non-Business Entities with Private Business Switch Service to Comply with the Emergency Telephone System Act

Code Citation: 83 Ill Adm Code 727

Section Numbers: 727.100 727.105 727.200 727.205 727.300  
727.305 727.400 727.500 727.505 727.510  
28.350 28.360 28.370

Date Originally Published in the Illinois Register: 6/23/00 24 Ill Reg 8454

At its meeting on January 9, 2001, the Joint Committee on Administrative Rules voted to object to the above proposed rulemaking and prohibit its filing with the Secretary of State. The Committee found that the adoption of these rules would constitute a serious threat to the public interest and welfare. The reason for the prohibition is as follows:

The rule exceeds the Illinois Commerce Commission's statutory authority under Section 15.6 of the Act by extending the application of the Act to schools, local governments and not-for-profit organizations, thereby threatening the public interest and welfare.

The proposed rule may not be filed with the Secretary of State or enforced by the Illinois Commerce Commission for any reason for 180 days following receipt of this certification and statement by the Secretary of State.

The suspended peremptory rules may not be enforced by the State Board of Education for any reason, nor may the Department adopt any rule having substantially the same purpose and effect as these suspended rules for at least 180 days following receipt of this certification and statement by the Secretary of State.

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF RECOMMENDATION  
TO PROPOSED RULEMAKING

DEPARTMENT OF HUMAN RIGHTS

Heading of the Part: Housing Discrimination

Code Citation: 71 Ill Adm Code 2300

Section Numbers: 2300.10

Date Originally Published in the Illinois Register: 10/13/00  
24 Ill Reg 14942

At its meeting on January 9, 2001, the Joint Committee on Administrative Rules considered the above cited rulemaking and recommends that DHR be more timely in updating its rules to reflect new and amended statutes.

The agency should respond to this Recommendation in writing within 90 days after receipt of this Statement. Failure to respond will constitute refusal to accede to the Committee's Recommendation. The agency's response will be placed on the JCAR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF RECOMMENDATION  
TO EXEMPT RULEMAKING

POLLUTION CONTROL BOARD

Heading of the Part: Mobile Sources

Code Citation: 35 Ill Adm Code 240

Section Numbers: 240.102 240.163

Date Originally Published in the Illinois Register: 9/15/00  
24 Ill Reg 13820

At its meeting on January 9, 2001, the Joint Committee on Administrative Rules considered the above cited rulemaking and recommends that the Pollution Control Board propose a new rulemaking on Mobile Sources (35 Ill Adm Code 240; 24 Ill Reg 13820), or initiate expedited correction, to: (1) delete a redundant definition of "loaded mode" (striking it as is required by Secretary of State rules rather than merely omitting it); and (2) restore the word "inspection" (stricken by PCB and without which the amended Section will be confusing to the regulated community).

The agency's response will be placed on the JCAR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF RECOMMENDATION  
TO EXEMPT RULEMAKING

## POLLUTION CONTROL BOARD

Heading of the Part: RCRA and UTC Permit ProgramCode Citation: 35 Ill Adm Code 702Section Numbers: 702.110Date Originally Published in the Illinois Register: 10/6/00  
24 Ill Reg 14535

At its meeting on January 9, 2001, the Joint Committee on Administrative Rules considered the above cited rulemaking and recommended that the Pollution Control Board propose a new rulemaking on RCRA and UTC Permit Programs (35 Ill Adm Code 702; 24 Ill Reg 14535), or initiate expedited correction, to delete the redundant definition of "well", which was added to the rulemaking without the underlining that is required by Secretary of State rules.

The agency's response will be placed on the JCAR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF RECOMMENDATION  
TO EXEMPT RULEMAKING

## POLLUTION CONTROL BOARD

Heading of the Part: Underground Injection Control Operating RequirementsCode Citation: 35 Ill Adm Code 730Section Numbers: 730.103Date Originally Published in the Illinois Register: 10/6/00  
24 Ill Reg 14578

At its meeting on January 9, 2001, the Joint Committee on Administrative Rules considered the above cited rulemaking and issued a Recommendation. In the Pollution Control Board's adopted rulemaking on Underground Injection Control Operating Requirements (35 Ill Adm Code; 24 Ill Reg 14578), the added definition of "drywell" was not underlined, as required by Secretary of State rules. JCAR recommended that, in the future, PCB adopt its rules in accordance with Secretary of State requirements, to guarantee that the change is disclosed to the public through underlining.

The agency's response will be placed on the JCAR agenda for further consideration.

## POLLUTION CONTROL BOARD

## NOTICE OF REQUEST FOR EXPEDITED CORRECTION

- 1) Heading of the Part: Standards Applicable to Generators of Hazardous Waste
- 2) Code citation: 35 Ill. Adm. Code 722
- 3) Section Numbers: 722.134
- 4) Date Proposal published in the Illinois Register: March 24, 2000, 24 Ill. Reg. 4714
- 5) Date Adoption published in the Illinois Register: July 7, 2000, 24 Ill. Reg. 9822
- 6) Summary and purpose of expedited correction: By an opinion and order dated May 18, 2000, the Board adopted numerous amendments to the hazardous waste rules intended to correspond with federal RCRA Subtitle C amendments made during the period July 1, 1999, though December 31, 1999. The Board filed those amendments with the Office of the Secretary of State, and they became effective on June 20, 2000. Among those amendments were amendments to 35 Ill. Adm. Code 722.134.

By a letter dated September 25, 2000, the Joint Committee on Administrative Rules (JCAR) directed the Board's attention to typographical errors in the text of the adopted amendments. As a result, the Board is requesting expedited correction of the errors outlined by JCAR. Those corrections are outlined as follows:

722.134(g)(4)(A)(ii) Change "except35" to "except 35" by adding a space

722.134(g)(4)(D) Change "'Hazardous Waste,'" to "'Hazardous Waste,'" by moving the semicolon outside of the closing quotation mark

722.134(i) Change "270-day, if applicable" to "270-day if applicable" by removing a comma to make it consistent with the same text in subsection (i)(1)

722.134(i)(2) Change "Boarrd" to "Board" to correct a misspelling of the word

The Board believes that all the corrections suggested by JCAR are non-substantive, that making the corrections will result in no hardship, and that the public interest would be served by completing these corrections.

In addition to the JCAR-suggested corrections, the Board is requesting to

## POLLUTION CONTROL BOARD

## NOTICE OF REQUEST FOR EXPEDITED CORRECTION

correct the spelling of the word "requirements" in the Board Note that follows Section 722.132(g)(4)(F)(ii), as follows:

722.134(g)(4)(F) Board Note Correct the spelling of "requirements"

The Board believes that this additional typographic correction not suggested by JCAR is non-substantive, that making the correction will result in no hardship, and that the public interest would be served by completing these corrections.

- 7) Questions or comments on this request for expedited correction should reference Docket R00-13 and be addressed to:

Michael J. McCambridge, Attorney  
Illinois Pollution Control Board  
State of Illinois Center, Suite 11-500  
100 W. Randolph St.  
Chicago, IL 60601  
Telephone: 312-814-6924  
Fax: 312-814-3669



## POLLUTION CONTROL BOARD

## POLLUTION CONTROL BOARD

## NOTICE OF REQUEST FOR EXPEDITED CORRECTION

## NOTICE OF REQUEST FOR EXPEDITED CORRECTION

## TITLE 34: ENVIRONMENTAL PROTECTION

## SUBTITLE C: WASTE DISPOSAL

## CHAPTER 1: POLLUTION CONTROL BOARD

## SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

## PART 722

STANDARDS APPLICABLE TO  
GENERATORS OF HAZARDOUS WASTE

## SUBPART A: GENERAL

Section  
722.110 Purpose, Scope and Applicability  
722.111 Hazardous Waste Determination  
722.112 USEPA Identification Numbers

## SUBPART B: THE MANIFEST

Section  
722.120 General Requirements  
722.121 Acquisition of Manifests  
722.122 Number of Copies  
722.123 Use of the Manifest

## SUBPART C: PRE-TRANSPORT REQUIREMENTS

Section  
722.130 Packaging  
722.131 Labeling  
722.132 Marking  
722.133 Placarding  
722.134 Accumulation Time

## SUBPART D: RECORDKEEPING AND REPORTING

Section  
722.140 Recordkeeping  
722.141 Annual Reporting  
722.142 Exception Reporting  
722.143 Additional Reporting  
722.144 Special Requirements for Generators of between 100 and 1000 kilograms per month

## SUBPART E: EXPORTS OF HAZARDOUS WASTE

Section  
722.150 Applicability  
722.151 Definitions

722.152 General Requirements  
722.153 Notification of Intent to Export  
722.154 Special Manifest Requirements  
722.155 Exception Report  
722.156 Annual Reports  
722.157 Recordkeeping  
722.158 International Agreements

## SUBPART F: IMPORTS OF HAZARDOUS WASTE

Section  
722.160 Imports of Hazardous Waste

## SUBPART G: FARMERS

Section  
722.170 Farmers

SUBPART H: TRANSFRONTIER SHIPMENTS OF HAZARDOUS WASTE FOR RECOVERY WITHIN  
THE OECD

Section  
722.180 Applicability  
722.181 Definitions  
722.182 General Conditions  
722.183 Notification and Consent  
722.184 Tracking Document  
722.185 Contracts  
722.186 Provisions Relating to Recognized Traders  
722.187 Reporting and Recordkeeping  
722.189 OECD Waste Lists

## APPENDIX A Hazardous Waste Manifest

AUTHORITY: Implementing Sections 7.2 and 22.4 and authorized by Section 27. of the Environmental Protection Act [415 ILCS 5/7.2, 22.4 and 27].

SOURCE: Adopted in R81-22, 43 PCB 427, at 5 Ill. Reg. 9781, effective May 17, 1982; amended and codified in R81-22, 45 PCB 317, at 6 Ill. Reg. 4828, effective May 17, 1982; amended in R82-18, 51 PCB 31, at 7 Ill. Reg. 2518, effective February 22, 1983; amended in R84-9 at 9 Ill. Reg. 11950, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 1131, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 14112, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20709, effective December 2, 1986; amended in R86-46 at 11 Ill. Reg. 13555, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19392, effective November 12, 1987; amended in R87-39 at 12 Ill. Reg. 13129, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 452, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18523, effective

POLLUTION CONTROL BOARD

NOTICE OF REQUEST FOR EXPEDITED CORRECTION

- i) A written description of procedures to ensure that each waste volume remains in the unit for no more than 90 days, a written description of the waste generation and management practices for the facility showing that they are consistent with respect to the 90 day limit, and documentation that the procedures are complied with; or
- ii) Documentation that the unit is emptied at least once every 90 days;

BOARD NOTE: The "in addition" hanging subsection that appears in the Federal rules after 40 CFR 262.34(a)(1)(iv)(B) is in the introduction to subsection (a) of this Section.

- 2) The date upon which each period of accumulation begins is clearly marked and visible for inspection on each container;
  - 3) While being accumulated on-site, each container and tank is labeled or marked clearly with the words "Hazardous Waste"; and
  - 4) The generator complies with the requirements for treatment, storage, and disposal facility owners or operators in 35 Ill. Adm. Code 725.Subparts C and D and with 35 Ill. Adm. Code 725.116 and 728.107(a)(5).
- b) A generator that accumulates hazardous waste for more than 90 days is an operator of a storage facility and is subject to the requirements of 35 Ill. Adm. Code 724 and 725 and the permit requirements of 35 Ill. Adm. Code 702, 703 and 705 unless the generator has been granted an extension of the 90-day period. If hazardous wastes must remain on-site for longer than 90 days due to unforeseen, temporary, and uncontrollable circumstances, the generator may seek an extension of up to 30 days by means of a variance or provisional variance, pursuant to Section 37 of the Environmental Protection Act and 35 Ill. Adm. Code 180 (Agency procedural regulations).

- c) Accumulation near the point of generation.
  - 1) A generator may accumulate as much as 55 gallons of hazardous waste or one quart of acutely hazardous waste listed in 35 Ill. Adm. Code 721.133(e) in containers at or near any point of generation where wastes initially accumulate that is under the control of the operator of the process generating the waste without a permit or interim status and without complying with subsection (a) of this Section, provided the generator does the following:
    - A) Complies with 35 Ill. Adm. Code 725.271, 725.272, and 725.273(a); and
    - B) Marks the generator's containers either with the words "Hazardous Waste" or with other words that identify the contents of the containers.

- 2) A generator that accumulates either hazardous waste or acutely hazardous waste listed in 35 Ill. Adm. Code 721.133(e) in excess of the amounts listed in subsection (c)(1) of this Section at or near any point of generation must, with respect to that amount of

POLLUTION CONTROL BOARD

NOTICE OF REQUEST FOR EXPEDITED CORRECTION

November 13, 1989; amended in R90-10 at 14 Ill. Reg. 16653, effective September 25, 1990; amended in R90-11 at 15 Ill. Reg. 9644, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14562, effective October 1, 1991; amended in R91-13 at 16 Ill. Reg. 9833, effective June 9, 1992; amended in R92-1 at 16 Ill. Reg. 17696, effective November 6, 1992; amended in R93-4 at 17 Ill. Reg. 9935, effective November 22, 1993; amended in R95-6 at 19 Ill. Reg. 11236, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 603, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 17950, effective December 16, 1997; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 1136, effective September 28, 1998; amended in R00-5 at 24 Ill. Reg. 9822, effective June 20, 2000; expedited correction at 25 Ill. Reg. \_\_\_\_\_, effective 2000;

SUBPART C: PRE-TRANSPORT REQUIREMENTS

Section 722.134 Accumulation Time

- a) Except as provided in subsection (d), (e), or (f) of this Section, a generator is exempt from all the requirements in 35 Ill. Adm. Code 725.Subparts G and H, except for 35 Ill. Adm. Code 725.211 and 725.214, and may accumulate hazardous waste on-site for 90 days or less without a permit or without having interim status, provided that the following conditions are fulfilled:
  - 1) The waste is placed in or on one of the following:
    - A) In containers, and the generator complies with 35 Ill. Adm. Code 725.Subparts I, AA, BB, and CC;
    - B) In tanks, and the generator complies with 35 Ill. Adm. Code 725.Subparts J, AA, BB, and CC, except 35 Ill. Adm. Code 725.297(c) and 725.300;
    - C) On drip pads, and the generator complies with 35 Ill. Adm. Code 725.Subpart W and maintains the following records at the facility:
      - i) A description of the procedures that will be followed to ensure that all wastes are removed from the drip pad and associated collection system at least once every 90 days, and
      - ii) Documentation of each waste removal, including the quantity of waste removed from the drip pad and the sump or collection system and the date and time of removal; or

- D) In containment buildings, and the generator complies with 35 Ill. Adm. Code 725.Subpart DD (has placed its Professional Engineer (PE) certification that the building complies with the design standards specified in 35 Ill. Adm. Code 725.1101 in the facility's operating record prior to the date of initial operation of the unit). The owner or operator shall maintain the following records at the facility:

## POLLUTION CONTROL BOARD

## NOTICE OF REQUEST FOR EXPEDITED CORRECTION

excess waste, comply within three days with subsection (a) of this Section or other applicable provisions of this Chapter. During the three day period the generator must continue to comply with subsection (c)(1) of this Section. The generator must mark the container holding the excess accumulation of hazardous waste with the date the excess amount began accumulating.

d) A generator that generates greater than 100 kilograms but less than 1000 kilograms of hazardous waste in a calendar month may accumulate hazardous waste on-site for 180 days or less without a permit or without having interim status provided that the following conditions are fulfilled:

- 1) The quantity of waste accumulated on-site never exceeds 6000 kilograms;
- 2) The generator complies with the requirements of 35 Ill. Adm. Code 725.Subpart I (except 35 Ill. Adm. Code 725.276 and 725.278);
- 3) The generator complies with the requirements of 35 Ill. Adm. Code 725.301;
- 4) The generator complies with the requirements of subsections (a)(2) and (a)(3) of this Section, 35 Ill. Adm. Code 725.Subpart C, and 35 Ill. Adm. Code 728.107(a)(5); and
- 5) The generator complies with the following requirements:

A) At all times there must be at least one employee either on the premises or on call (i.e., available to respond to an emergency by reaching the facility within a short period of time) with the responsibility for coordinating all emergency response measures specified in subsection (d)(5)(D) of this Section. The employee is the emergency coordinator.

B) The generator shall post the following information next to the telephone:

- i) The name and telephone number of the emergency coordinator;
- ii) Location of fire extinguishers and spill control material and, if present, fire alarm; and
- iii) The telephone number of the fire department, unless the facility has a direct alarm.

C) The generator shall ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures, relevant to their responsibilities during normal facility operations and emergencies.

D) The emergency coordinator or designee shall respond to any emergencies that arise. The applicable responses are as follows:

- i) In the event of a fire, call the fire department or attempt to extinguish it using a fire extinguisher;
- ii) In the event of a spill, contain the flow of hazardous waste to the extent possible and, as soon as is practicable, clean up the hazardous waste and any contaminated materials or soil; and

## POLLUTION CONTROL BOARD

## NOTICE OF REQUEST FOR EXPEDITED CORRECTION

iii) In the event of a fire, explosion, or other release that could threaten human health outside the facility, or when the generator has knowledge that a spill has reached surface water, the generator shall immediately notify the National Response Center (using its 24-hour toll free number 800-424-8802). The report must include the following information: the name, address, and USEPA identification number (Section 722.112 of this Part) of the generator; the date, time, and type of incident (e.g., spill or fire); the quantity and type of hazardous waste involved in the incident; the extent of injuries, if any; and the estimated quantity and disposition of recoverable materials, if any.

e) A generator that generates greater than 100 kilograms but less than 1000 kilograms of hazardous waste in a calendar month and that must transport the waste or offer the waste for transportation over a distance of 200 miles or more for off-site treatment, storage, or disposal may accumulate hazardous waste on-site for 270 days or less without a permit or without having interim status, provided that the generator complies with the requirements of subsection (d) of this Section.

f) A generator that generates greater than 100 kilograms but less than 1000 kilograms of hazardous waste in a calendar month and that accumulates hazardous waste in quantities exceeding 6000 kg or accumulates hazardous waste for more than 180 days (or for more than 270 days if the generator must transport the waste or offer the waste for transportation over a distance of 200 miles or more) is an operator of a storage facility and is subject to the requirements of 35 Ill. Adm. Code 724 and 725 and the permit requirements of 35 Ill. Adm. Code 703, unless the generator has been granted an extension to the 180-day (or 270-day if applicable) period. If hazardous wastes must remain on-site for longer than 180 days (or 270 days if applicable) due to unforeseen, temporary, and uncontrollable circumstances, the generator may seek an extension of up to 30 days by means of variance or provisional variance pursuant to Section 37 of the Environmental Protection Act.

g) A generator that generates 1,000 kilograms or greater of hazardous waste per calendar month which also generates wastewater treatment sludges from electroplating operations that meet the listing description for the RCRA hazardous waste code F006, may accumulate F006 waste on-site for more than 90 days, but not more than 180 days, without a permit or without having interim status provided that the generator fulfills the following conditions:

- 1) The generator has implemented pollution prevention practices that reduce the amount of any hazardous substances, pollutants, or contaminants entering F006 or otherwise released to the environment prior to its recycling;
- 2) The F006 waste is legitimately recycled through metals recovery;

## POLLUTION CONTROL BOARD

## NOTICE OF REQUEST FOR EXPEDITED CORRECTION

- 3) No more than 20,000 kilograms of F006 waste is accumulated on-site at any one time; and
- 4) The F006 waste is managed in accordance with the following conditions:

A) The F006 waste is placed in one of the following containing devices:

- i) In containers and the generator complies with the applicable requirements of 35 Ill. Adm. Code 725.Subparts I, AA, BB, and CC;
- ii) In tanks and the generator complies with the applicable requirements of 35 Ill. Adm. Code 725.Subparts J, AA, BB, and CC, except 35 Ill. Adm. Code 725.297(c) and 725.300; or
- iii) In containment buildings, and the generator complies with 35 Ill. Adm. Code 725.Subpart DD and has placed its professional engineer certification that the building complies with the design standards specified in 35 Ill. Adm. Code 725.1101 in the facility's operating record prior to operation of the unit. The owner or operator shall maintain the records listed in subsection (g)(4)(F) of this Section at the facility.

B) In addition, such a generator is exempt from all the requirements in 35 Ill. Adm. Code 725.Subparts G and H, except for 35 Ill. Adm. Code 725.211 and 725.214.

C) The date upon which each period of accumulation begins is clearly marked and visible for inspection on each container;

D) While being accumulated on-site, each container and tank is labeled or marked clearly with the words, "Hazardous Waste"; and

E) The generator complies with the requirements for owners or operators in 35 Ill. Adm. Code 725.Subparts C and D, with 35 Ill. Adm. Code 725.116, and with 35 Ill. Adm. Code 728.107(a)(5).

F) Required records for a containment building:

- i) A written description of procedures to ensure that the F006 waste remains in the unit for no more than 180 days, a written description of the waste generation and management practices for the facility showing that they are consistent with the 180-day limit, and documentation that the generator is complying with the procedures; or
- ii) Documentation that the unit is emptied at least once every 180 days.

BOARD NOTE: The Board has codified 40 CFR 262.34(g)(4)(A)(iii)(I) and (g)(4)(A)(iii)(2) as subsections (g)(4)(F)(i) and (g)(4)(F)(ii) because Illinois Administrative Code codification requirements requirements do not allow the use of a fifth level of subsection indents.

## POLLUTION CONTROL BOARD

## NOTICE OF REQUEST FOR EXPEDITED CORRECTION

- h) A generator that generates 1,000 kilograms or greater of hazardous waste per calendar month which also generates wastewater treatment sludges from electroplating operations that meet the listing description for the RCRA hazardous waste code F006 and which must transport this waste or offer this waste for transportation over a distance of 200 miles or more for off-site metals recovery may accumulate F006 waste on-site for more than 90 days, but not more than 270 days, without a permit or without having interim status if the generator complies with the requirements of paragraphs (g)(1) through (g)(4) of this Section.

- i) A generator accumulating F006 in accordance with paragraphs (g) and (h) of this Section that accumulates F006 waste on-site for more than 180 days (or for more than 270 days if the generator must transport this waste or offer this waste for transportation over a distance of 200 miles or more), or which accumulates more than 20,000 kilograms of F006 waste on-site is an operator of a storage facility, and such a generator is subject to the requirements of 35 Ill. Adm. Code 724 and 725 and the permit requirements of 35 Ill. Adm. Code 702 and 703, unless the generator has been granted an extension to the 180-day (or 270-day if applicable) period or an exception to the 20,000 kilogram accumulation limit.

1) On a case-by-case basis, the Board will grant a provisional variance that allows an extension of the accumulation time up to an additional 30 days pursuant to Section 37 of the Act on notification that the Agency has found that the F006 waste must remain on-site for longer than 180 days (or 270 days if applicable) due to unforeseen, temporary, and uncontrollable circumstances.

2) On a case-by-case basis, the Board ~~Board~~ will grant a provisional variance that allows an exception to the 20,000 kilogram accumulation limit on notification that the Agency has found that more than 20,000 kilograms of F006 waste must remain on-site due to unforeseen, temporary, and uncontrollable circumstances.

3) A generator shall follow the procedure of 35 Ill. Adm. Code 180 (Agency procedural rules) when seeking a provisional variance under subsection (i)(1) or (i)(2) of this Section.

(Source: Expedited correction at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)







## POLLUTION CONTROL BOARD

## NOTICE OF REQUEST FOR EXPEDITED CORRECTION

|   |  |
|---|--|
| 724.155   | Emergency Coordinator                              |
| 724.156   | Emergency Procedures                               |
| SUBPART E: MANIFEST SYSTEM, RECORDKEEPING AND REPORTING |  |
| Section   |  |
| 724.170   | Applicability                                      |
| 724.171   | Use of Manifest System                             |
| 724.172   | Manifest Discrepancies                             |
| 724.173   | Operating Record                                   |
| 724.174   | Availability, Retention and Disposition of Records |
| 724.175   | Annual Report                                      |
| 724.176   | Unmanifested Waste Report                          |
| 724.177   | Additional Reports                                 |

## SUBPART F: RELEASES FROM SOLID WASTE MANAGEMENT UNITS

|         |  |
|---------|--|
| Section |  |
| 724.190 | Applicability                                      |
| 724.191 | Required Programs                                  |
| 724.192 | Groundwater Protection Standard                    |
| 724.193 | Hazardous Constituents                             |
| 724.194 | Concentration Limits                               |
| 724.195 | Point of Compliance                                |
| 724.196 | Compliance Period                                  |
| 724.197 | General Groundwater Monitoring Requirements        |
| 724.198 | Detection Monitoring Program                       |
| 724.199 | Compliance Monitoring Program                      |
| 724.200 | Corrective Action Program                          |
| 724.201 | Corrective Action for Solid Waste Management Units |

## SUBPART G: CLOSURE AND POST-CLOSURE CARE

|         |  |
|---------|--|
| Section |  |
| 724.210 | Applicability  |
| 724.211 | Closure Performance Standard                                   |
| 724.212 | Closure Plan; Amendment of Plan                                |
| 724.213 | Closure; Time Allowed For Closure                              |
| 724.214 | Disposal or Decontamination of Equipment, Structures and Soils |
| 724.215 | Certification of Closure                                       |
| 724.216 | Survey Plat  |
| 724.217 | Post-closure Care and Use of Property                          |
| 724.218 | Post-Closure Care Plan; Amendment of Plan                      |
| 724.219 | Post-closure Notices   |
| 724.220 | Certification of Completion of Post-closure Care               |

## SUBPART H: FINANCIAL REQUIREMENTS

## POLLUTION CONTROL BOARD

## NOTICE OF REQUEST FOR EXPEDITED CORRECTION

|         |  |
|---------|--|
| Section |  |
| 724.240 | Applicability  |
| 724.241 | Definitions of Terms As Used In This Subpart                                     |
| 724.242 | Cost Estimate for Closure  |
| 724.243 | Financial Assurance for Closure  |
| 724.244 | Cost Estimate for Post-closure Care  |
| 724.245 | Financial Assurance for Post-closure Care  |
| 724.246 | Use of a Mechanism for Financial Assurance of Both Closure and Post-closure Care |
| 724.247 | Liability Requirements   |
| 724.248 | Incapacity of Owners or Operators, Guarantors or Financial Institutions          |
| 724.251 | Wording of the Instruments   |

## SUBPART I: USE AND MANAGEMENT OF CONTAINERS

|         |  |
|---------|--|
| Section |  |
| 724.270 | Applicability  |
| 724.271 | Condition of Containers                              |
| 724.272 | Compatibility of Waste With Container                |
| 724.273 | Management of Containers                             |
| 724.274 | Inspections  |
| 724.275 | Containment  |
| 724.276 | Special Requirements for Ignitable or Reactive Waste |
| 724.277 | Special Requirements for Incompatible Wastes         |
| 724.278 | Closure  |
| 724.279 | Air Emission Standards                               |

## SUBPART J: TANK SYSTEMS

|         |  |
|---------|--|
| Section |  |
| 724.290 | Applicability  |
| 724.291 | Assessment of Existing Tank System's Integrity                                       |
| 724.292 | Design and Installation of New Tank Systems or Components                            |
| 724.293 | Containment and Detection of Releases  |
| 724.294 | General Operating Requirements   |
| 724.295 | Inspections  |
| 724.296 | Response to Leaks or Spills and Disposition of Leaking or unfit-for-use Tank Systems |
| 724.297 | Closure and Post-Closure Care  |
| 724.298 | Special Requirements for Ignitable or Reactive Waste                                 |
| 724.299 | Special Requirements for Incompatible Wastes   |
| 724.300 | Air Emission Standards   |

## SUBPART K: SURFACE IMPOUNDMENTS

|         |               |
|---------|---------------|
| Section |               |
| 724.320 | Applicability |

## POLLUTION CONTROL BOARD

## NOTICE OF REQUEST FOR EXPEDITED CORRECTION

724.321 Design and Operating Requirements  
 724.322 Action Leakage Rate  
 724.323 Response Actions  
 724.326 Monitoring and Inspection  
 724.327 Emergency Repairs; Contingency Plans  
 724.328 Closure and Post-closure Care  
 724.329 Special Requirements for Ignitable or Reactive Waste  
 724.330 Special Requirements for Incompatible Wastes  
 724.331 Special Requirements for Hazardous Wastes F020, F021, F022, F023, F026 and F027  
 724.332 Air Emission Standards

## SUBPART L: WASTE PILES

Section  
 724.350 Applicability  
 724.351 Design and Operating Requirements  
 724.352 Action Leakage Rate  
 724.353 Response Action Plan  
 724.354 Monitoring and Inspection  
 724.356 Special Requirements for Ignitable or Reactive Waste  
 724.357 Special Requirements for Incompatible Wastes  
 724.358 Closure and Post-closure Care  
 724.359 Special Requirements for Hazardous Wastes F020, F021, F022, F023, F026 and F027

## SUBPART M: LAND TREATMENT

Section  
 724.370 Applicability  
 724.371 Treatment Program  
 724.372 Treatment Demonstration  
 724.373 Design and Operating Requirements  
 724.376 Food-chain Crops  
 724.378 Unsaturated Zone Monitoring  
 724.379 Recordkeeping  
 724.380 Closure and Post-closure Care  
 724.381 Special Requirements for Ignitable or Reactive Waste  
 724.382 Special Requirements for Incompatible Wastes  
 724.383 Special Requirements for Hazardous Wastes F020, F021, F022, F023, F026 and F027

## SUBPART N: LANDFILLS

Section  
 724.400 Applicability  
 724.401 Design and Operating Requirements  
 724.402 Action Leakage Rate

## POLLUTION CONTROL BOARD

## NOTICE OF REQUEST FOR EXPEDITED CORRECTION

724.403 Monitoring and Inspection  
 724.404 Response Actions  
 724.409 Surveying and Recordkeeping  
 724.410 Closure and Post-closure Care  
 724.412 Special Requirements for Ignitable or Reactive Waste  
 724.413 Special Requirements for Incompatible Wastes  
 724.414 Special Requirements for Bulk and Containerized Liquids  
 724.415 Special Requirements for Containers  
 724.416 Disposal of Small Containers of Hazardous Waste in Overpacked Drums (Lab Packs)  
 724.417 Special Requirements for Hazardous Wastes F020, F021, F022, F023, F026 and F027

## SUBPART O: INCINERATORS

Section  
 724.440 Applicability  
 724.441 Waste Analysis  
 724.442 Principal Organic Hazardous Constituents (POHCs)  
 724.443 Performance Standards  
 724.444 Hazardous Waste Incinerator Permits  
 724.445 Operating Requirements  
 724.447 Monitoring and Inspections  
 724.451 Closure

## SUBPART S: CORRECTIVE ACTION FOR SOLID WASTE MANAGEMENT UNITS

Section  
 724.652 Corrective Action Management Units  
 724.653 Temporary Units  
 724.654 Staging Piles

## SUBPART W: DRIP PADS

Section  
 724.670 Applicability  
 724.671 Assessment of existing drip pad integrity  
 724.672 Design and installation of new drip pads  
 724.673 Design and operating requirements  
 724.674 Inspections  
 724.675 Closure

## SUBPART X: MISCELLANEOUS UNITS

Section  
 724.700 Applicability  
 724.701 Environmental Performance Standards  
 724.702 Monitoring, Analysis, Inspection, Response, Reporting and Corrective



## POLLUTION CONTROL BOARD

## NOTICE OF REQUEST FOR EXPEDITED CORRECTION

Action  
Post-closure Care

724.703

## SUBPART AA: AIR EMISSION STANDARDS FOR PROCESS VENTS

Section

724.930 Applicability  
724.931 Definitions  
724.932 Standards: Process Vents  
724.933 Standards: Closed-Vent Systems and Control Devices  
724.934 Test Methods and Procedures  
724.935 Recordkeeping requirements  
724.936 Reporting Requirements

## SUBPART BB: AIR EMISSION STANDARDS FOR EQUIPMENT LEAKS

Section

724.950 Applicability  
724.951 Definitions  
724.952 Standards: Pumps in Light Liquid Service  
724.953 Standards: Compressors  
724.954 Standards: Pressure Relief Devices in Gas/Vapor Service  
724.955 Standards: Sampling Connecting Systems  
724.956 Standards: Open-ended Valves or Lines  
724.957 Standards: Valves in Gas/Vapor or Light Liquid Service  
724.958 Standards: Pumps, Valves, Pressure Relief Devices and Other Connectors  
724.959 Standards: Delay of Repair  
724.960 Standards: Closed-vent Systems and Control Devices  
724.961 Alternative Percentage Standard for Valves  
724.962 Skip Period Alternative for Valves  
724.963 Test Methods and Procedures  
724.964 Recordkeeping Requirements  
724.965 Reporting Requirements

## SUBPART CC: AIR EMISSION STANDARDS FOR TANKS, SURFACE IMPOUNDMENTS, AND CONTAINERS

Section

724.980 Applicability  
724.981 Definitions  
724.982 Standards: General  
724.983 Waste Determination Procedures  
724.984 Standards: Tanks  
724.985 Standards: Surface Impoundments  
724.986 Standards: Containers  
724.987 Standards: Closed-vent Systems and Control Devices  
724.988 Inspection and Monitoring Requirements  
724.989 Recordkeeping Requirements

## POLLUTION CONTROL BOARD

## NOTICE OF REQUEST FOR EXPEDITED CORRECTION

724.990 Reporting Requirements  
724.991 Alternative Control Requirements for Tanks

## SUBPART DD: CONTAINMENT BUILDINGS

Section

724.1100 Applicability  
724.1101 Design and operating standards  
724.1102 Closure and Post-closure Care

APPENDIX A

Recordkeeping Instructions

APPENDIX B

EPA Report Form and Instructions (Repealed)

APPENDIX D

Cochran's Approximation to the Behrens-Fisher Student's T-Test

APPENDIX E

Examples of Potentially Incompatible Waste

APPENDIX I

Groundwater Monitoring List

AUTHORITY: Implementing Sections 7.2 and 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 22.4 and 27].

SOURCE: Adopted in R82-19, 53 PCB 131, at 7 Ill. Reg. 14059, effective October 12, 1983; amended in R84-9 at 9 Ill. Reg. 11964, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 1136, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 14119, effective August 12, 1986; amended in R86-28 at 11 Ill. Reg. 6138, effective March 24, 1987; amended in R86-28 at 11 Ill. Reg. 8694, effective April 21, 1987; amended in R86-46 at 11 Ill. Reg. 13577, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19397, effective November 12, 1987; amended in R87-39 at 12 Ill. Reg. 13135, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 458, effective December 28, 1988; amended in R89-1 at 13 Ill. Reg. 18527, effective November 13, 1989; amended in R90-2 at 14 Ill. Reg. 14511, effective August 22, 1990; amended in R90-10 at 14 Ill. Reg. 16658, effective September 25, 1990; amended in R90-11 at 15 Ill. Reg. 9654, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14572, effective October 1, 1991; amended in R91-13 at 16 Ill. Reg. 9833, effective June 9, 1992; amended in R92-1 at 16 Ill. Reg. 17702, effective November 6, 1992; amended in R92-10 at 17 Ill. Reg. 5806, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20830, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6973, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 17601, effective July 29, 1994; amended in R94-17 at 18 Ill. Reg. 9951, effective November 23, 1994; amended in R95-6 at 19 Ill. Reg. 9951, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 11244, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 636, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7638, effective April 15, 1998; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17972, effective September 28, 1998; amended in R98-21/R99-2/R99-7 at 23 Ill. Reg. 2186, effective January 19, 1999; amended in R99-15 at 23 Ill. Reg. 9437, effective July 26, 1999; amended in R00-5 at 24 Ill. Reg. 1146, effective January 6, 2000; amended in R00-13 at 24 Ill. Reg. 9833, effective June 20, 2000; expedited correction at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## POLLUTION CONTROL BOARD

## NOTICE OF REQUEST FOR EXPEDITED CORRECTION

NOTE: In this Part, unless the context clearly indicates otherwise, superscript numbers or letters are denoted by parentheses; subscript are denoted by brackets.

## SUBPART O: INCINERATORS

## Section 724.440 Applicability

- a) The regulations in this Subpart apply to owners and operators of ~~facilities that incinerate~~ hazardous waste incinerators (as defined in 35 Ill. Adm. Code 720.110), except as Section 724.101 provides otherwise. ~~The following facility owners and operators are considered to incinerate hazardous waste:~~
- 1) ~~Owners or operators of hazardous waste incinerators (as defined in 35 Ill. Adm. Code 720.100); and~~
  - 2) ~~Owners or operators that burn hazardous waste in boilers or in industrial furnaces in order to destroy the waste;~~
- b) Integration of the MACT standards.

- 1) Except as provided by subsection (b)(2) of this Section, the standards of this Part no longer apply when an owner or operator demonstrates compliance with the maximum achievable control technology (MACT) requirements of 40 CFR 63, Subpart EEE, incorporated by reference in 35 Ill. Adm. Code 720.111, by conducting a comprehensive performance test and submitting to the Agency a Notification of Compliance, under 40 CFR 63.1207(j) and 63.1210(d), documenting compliance requirements of 40 CFR 63, Subpart EEE. Nevertheless, even after this demonstration of compliance with the MACT standards, RCRA permit conditions that were based on the standards of this part will continue to be in effect until they are removed from the permit or the permit is terminated or revoked, unless the permit expressly provides otherwise.

- 2) The MACT standards of 40 CFR 63, Subpart EEE do not replace the closure requirements of Section 724.451 or the applicable requirements of Subparts A through H, BB, and CC of this Part. BOARD NOTE: Sections 9.1 and 39.5 of the Environmental Protection Act [415 ILCS 5/9.1 and 39.5] make the federal MACT standards directly applicable to entities in Illinois and authorize the Agency to issue permits based on the federal standards. In adopting this subsection (b), USEPA stated as follows:

Under [the approach adopted by USEPA as a] final rule, MACT air emissions and related operating requirements are to be included in title V permits; RCRA permits will continue to be required for all other aspects of the combustion unit and the facility that are governed by RCRA (e.g., corrective action, general facility standards, risk-based emissions limits and operating

## POLLUTION CONTROL BOARD

## NOTICE OF REQUEST FOR EXPEDITED CORRECTION

requirements, as appropriate, and other hazardous waste management units).

64 Fed. Reg. 52828, 52975 (Sept. 30, 1999).

- c) After consideration of the waste analysis included with Part B of the permit application, the Agency, in establishing the permit conditions, must exempt the applicant from all requirements of this Subpart except Section 724.441 (Waste analysis) and Section 724.451 (Closure):

- 1) If the Agency finds that the waste to be burned is:

A) Listed as a hazardous waste in Subpart D of 35 Ill. Adm. Code 721.123(a)(4) and (5) and will not be burned when other hazardous wastes are present in the combustion zone;

B) Listed as a hazardous waste in Subpart D of 35 Ill. Adm. Code 721.123(a)(4) and (5) and will not be burned when other hazardous wastes are present in the combustion zone;

C) A hazardous waste solely because it possesses the characteristic of ignitability, as determined by the test for characteristics of hazardous wastes under Subpart C of 35 Ill. Adm. Code 721.123(a)(4) and (5) and will not be burned when other hazardous wastes are present in the combustion zone;

D) A hazardous waste solely because it possesses any of the reactivity characteristics described by 35 Ill. Adm. Code 721.123(a)(1), (2), (3), (6), (7) and (8) and will not be burned when other hazardous wastes are present in the combustion zone; and

2) If the waste analysis shows that the waste contains none of the hazardous constituents listed in Subpart H of 35 Ill. Adm. Code 721.123(a)(1), (2), (3), (6), (7) and (8) and will not be burned when other hazardous wastes are present in the combustion zone; and

3) If the waste analysis shows that the waste contains none of the hazardous constituents listed in Subpart H of 35 Ill. Adm. Code 721.123(a)(1), (2), (3), (6), (7) and (8) and will not be burned when other hazardous wastes are present in the combustion zone; and

d) If the waste to be burned is one that is described by subsections (b)(1)(A), (b)(1)(B), (b)(1)(C) or (b)(1)(D) of this Section, above,

and contains insignificant concentrations of the hazardous constituents listed in Subpart H of 35 Ill. Adm. Code 721.123(a)(1), (2), (3), (6), (7) and (8) and will not be burned when other hazardous wastes are present in the combustion zone; and

e) The owner or operator of an incinerator may conduct trial burns subject only to the requirements of 35 Ill. Adm. Code 703.222 through 703.225 (Short term and incinerator permits).

(Source: Expedited correction at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

## SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of January 9, 2001 through January 16, 2001 and have been scheduled for review by the Committee at its February 21, 2001 meeting in Springfield. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

| Second Notice Expires | Agency and Rule  | Start Of First Notice           | JCAR Meeting |
|-----------------------|--|---------------------------------|--------------|
| 2/22/01               | Department of Natural Resources, Department Formal Hearings Conducted for Rulemaking and Contested Cases (17 Ill Adm Code 2530)  | 11/13/00<br>24 Ill Reg<br>16431 | 2/21/01      |
| 2/22/01               | Department of Revenue, Income Tax (86 Ill Adm Code 100)  | 11/17/00<br>24 Ill Reg<br>16957 | 2/21/01      |
| 2/22/01               | Department of Central Management Services, Business Enterprise Program: Contracting with Businesses Owned and Controlled by Minorities, Females and Persons with Disabilities (44 Ill Adm Code 10) | 11/13/00<br>24 Ill Reg<br>16413 | 2/21/01      |
| 2/22/01               | Department of Central Management Services, Conditions of Employment (80 Ill Adm Code 303)  | 11/13/00<br>24 Ill Reg<br>16429 | 2/21/01      |
| 2/23/01               | Illinois Commerce Commission, Standards of Service Applicable to Wireless 9-1-1 Emergency Systems (83 Ill Adm Code 728)  | 11/3/00<br>24 Ill Reg<br>16161  | 2/21/01      |
| 2/23/01               | Pollution Control Board, Definitions and General Provisions (35 Ill Adm Code 211)  | 9/8/00<br>24 Ill Reg<br>13563   | 2/21/001     |
| 2/23/01               | Pollution Control Board, Nitrogen Oxides Emissions (35 Ill Adm Code 217)   | 9/8/00<br>24 Ill Reg<br>13579   | 2/21/01      |

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

## SECOND NOTICES RECEIVED

| 2/25/01 | Department of Revenue, Service Occupation Tax (86 Ill Adm Code 140)   | 10/27/00<br>24 Ill Reg<br>15852 | 2/21/01 |
|---------|---|---------------------------------|---------|
| 2/25/01 | Department of Revenue, Service Use Tax (86 Ill Adm Code 160)  | 10/27/00<br>24 Ill Reg<br>15895 | 2/21/01 |
| 3/1/01  | Department of Central Management Services, Pay Plan (80 Ill Adm Code 310)   | 10/13/00<br>24 Ill Reg<br>14844 | 2/21/01 |
| 3/1/01  | Department of Professional Regulation, Nursing and Advanced Practice Nursing Act-Advanced Practice Nurse (68 Ill Adm Code 1305) | 9/22/00<br>24 Ill Reg<br>14159  | 2/21/01 |
| 3/1/01  | Department of Professional Regulation, Illinois Professional Land Surveyor Act of 1989 (68 Ill Adm Code 1270)                   | 11/17/00<br>24 Ill Reg<br>16898 | 2/21/01 |

Rules acted upon during the calendar year from Issue 01 through Issue 52 are listed in the Issues Index by Title number, Part number and Issue number. For example, 50 Ill. Adm. Code 2500 published in Issue 01 will be listed as 50-2500-01. The letter "R" designates a rule that is being repealed. Inquiries about the Issues Index may be directed to the Administrative Code Division of the Index Department, Office of the Secretary of State at 217-782-7017.

**PROPOSED**

8-290-02 35-103-02 86-495-01  
 11-510-04 35-104R-02 86-750-01  
 11-300-03 35-104-02 86-3000-01  
 11-510-03 35-105R-02 89-121-03  
 11-1312-03 35-105-02 89-301-03  
 17-650-04 35-107R-02 92-1030-03  
 17-660-04 35-107-02  
 17-670-04 35-108-02  
 23-2700-04 35-120R-02  
 23-2720-04 35-125-02 14-130-03  
 23-2721-04 35-130-02 20-1286-01  
 23-2730-04 35-211-01 77-510R-01  
 23-2733-04 35-217-01 86-130-04  
 23-2735-04 35-307-04 86-140-04  
 23-2736-04 35-310-04 86-150-04  
 23-2770-04 35-611-04 89-152-01  
 23-2771-04 35-720-04  
 23-2775-04 35-721-04  
 32-315-01 35-728-04  
 35-506-02 35-742-02  
 56-110-03 35-859R-04  
 77-295-04 35-860R-04  
 77-510R-01 50-922R-04  
 80-310-04 56-120-03  
 80-1540-01 56-205-03  
 80-1600-03 56-210-03  
 86-130- 56-250-03  
 01-02-04 56-260-03  
 86-150-04 56-350-03  
 86-180-03 56-353-03  
 89-152-01 56-365-03  
 89-682-03 68-680-03  
 89-686-03 68-690-03  
 92-1060-04 68-1150-04  
 71-50R-01  
 71-50-01  
 80-310-03  
 80-1650-01  
 11-1413-01 83-1000-01  
 14-140-04 86-110-01  
 35-101R-02 86-130-03  
 35-101-02 86-150-03  
 35-102R-02 86-210-01  
 35-102-02 86-440-03  
 35-103R-02 86-450-03

**EMERG-  
ENCY****PEREMP-  
TORY****ADOPTED**

2-1101-02  
 11-1413-01  
 14-140-04  
 35-101R-02  
 35-101-02  
 35-102R-02  
 35-102-02  
 35-103R-02



1000

1000

1000

The following table shows the results of the analysis of the samples collected during the field work. The samples were collected from the following locations: 1. The first sample was collected from the top of the hill. 2. The second sample was collected from the middle of the hill. 3. The third sample was collected from the bottom of the hill. 4. The fourth sample was collected from the top of the hill. 5. The fifth sample was collected from the middle of the hill. 6. The sixth sample was collected from the bottom of the hill. 7. The seventh sample was collected from the top of the hill. 8. The eighth sample was collected from the middle of the hill. 9. The ninth sample was collected from the bottom of the hill. 10. The tenth sample was collected from the top of the hill. 11. The eleventh sample was collected from the middle of the hill. 12. The twelfth sample was collected from the bottom of the hill. 13. The thirteenth sample was collected from the top of the hill. 14. The fourteenth sample was collected from the middle of the hill. 15. The fifteenth sample was collected from the bottom of the hill. 16. The sixteenth sample was collected from the top of the hill. 17. The seventeenth sample was collected from the middle of the hill. 18. The eighteenth sample was collected from the bottom of the hill. 19. The nineteenth sample was collected from the top of the hill. 20. The twentieth sample was collected from the middle of the hill. 21. The twenty-first sample was collected from the bottom of the hill. 22. The twenty-second sample was collected from the top of the hill. 23. The twenty-third sample was collected from the middle of the hill. 24. The twenty-fourth sample was collected from the bottom of the hill. 25. The twenty-fifth sample was collected from the top of the hill. 26. The twenty-sixth sample was collected from the middle of the hill. 27. The twenty-seventh sample was collected from the bottom of the hill. 28. The twenty-eighth sample was collected from the top of the hill. 29. The twenty-ninth sample was collected from the middle of the hill. 30. The thirtieth sample was collected from the bottom of the hill. 31. The thirty-first sample was collected from the top of the hill. 32. The thirty-second sample was collected from the middle of the hill. 33. The thirty-third sample was collected from the bottom of the hill. 34. The thirty-fourth sample was collected from the top of the hill. 35. The thirty-fifth sample was collected from the middle of the hill. 36. The thirty-sixth sample was collected from the bottom of the hill. 37. The thirty-seventh sample was collected from the top of the hill. 38. The thirty-eighth sample was collected from the middle of the hill. 39. The thirty-ninth sample was collected from the bottom of the hill. 40. The fortieth sample was collected from the top of the hill. 41. The forty-first sample was collected from the middle of the hill. 42. The forty-second sample was collected from the bottom of the hill. 43. The forty-third sample was collected from the top of the hill. 44. The forty-fourth sample was collected from the middle of the hill. 45. The forty-fifth sample was collected from the bottom of the hill. 46. The forty-sixth sample was collected from the top of the hill. 47. The forty-seventh sample was collected from the middle of the hill. 48. The forty-eighth sample was collected from the bottom of the hill. 49. The forty-ninth sample was collected from the top of the hill. 50. The fiftieth sample was collected from the middle of the hill. 51. The fifty-first sample was collected from the bottom of the hill. 52. The fifty-second sample was collected from the top of the hill. 53. The fifty-third sample was collected from the middle of the hill. 54. The fifty-fourth sample was collected from the bottom of the hill. 55. The fifty-fifth sample was collected from the top of the hill. 56. The fifty-sixth sample was collected from the middle of the hill. 57. The fifty-seventh sample was collected from the bottom of the hill. 58. The fifty-eighth sample was collected from the top of the hill. 59. The fifty-ninth sample was collected from the middle of the hill. 60. The sixtieth sample was collected from the bottom of the hill. 61. The sixty-first sample was collected from the top of the hill. 62. The sixty-second sample was collected from the middle of the hill. 63. The sixty-third sample was collected from the bottom of the hill. 64. The sixty-fourth sample was collected from the top of the hill. 65. The sixty-fifth sample was collected from the middle of the hill. 66. The sixty-sixth sample was collected from the bottom of the hill. 67. The sixty-seventh sample was collected from the top of the hill. 68. The sixty-eighth sample was collected from the middle of the hill. 69. The sixty-ninth sample was collected from the bottom of the hill. 70. The seventieth sample was collected from the top of the hill. 71. The seventy-first sample was collected from the middle of the hill. 72. The seventy-second sample was collected from the bottom of the hill. 73. The seventy-third sample was collected from the top of the hill. 74. The seventy-fourth sample was collected from the middle of the hill. 75. The seventy-fifth sample was collected from the bottom of the hill. 76. The seventy-sixth sample was collected from the top of the hill. 77. The seventy-seventh sample was collected from the middle of the hill. 78. The seventy-eighth sample was collected from the bottom of the hill. 79. The seventy-ninth sample was collected from the top of the hill. 80. The eightieth sample was collected from the middle of the hill. 81. The eighty-first sample was collected from the bottom of the hill. 82. The eighty-second sample was collected from the top of the hill. 83. The eighty-third sample was collected from the middle of the hill. 84. The eighty-fourth sample was collected from the bottom of the hill. 85. The eighty-fifth sample was collected from the top of the hill. 86. The eighty-sixth sample was collected from the middle of the hill. 87. The eighty-seventh sample was collected from the bottom of the hill. 88. The eighty-eighth sample was collected from the top of the hill. 89. The eighty-ninth sample was collected from the middle of the hill. 90. The ninetieth sample was collected from the bottom of the hill. 91. The ninety-first sample was collected from the top of the hill. 92. The ninety-second sample was collected from the middle of the hill. 93. The ninety-third sample was collected from the bottom of the hill. 94. The ninety-fourth sample was collected from the top of the hill. 95. The ninety-fifth sample was collected from the middle of the hill. 96. The ninety-sixth sample was collected from the bottom of the hill. 97. The ninety-seventh sample was collected from the top of the hill. 98. The ninety-eighth sample was collected from the middle of the hill. 99. The ninety-ninth sample was collected from the bottom of the hill. 100. The hundredth sample was collected from the top of the hill.

Visit our website

<http://www.sos.sos.state.il.us>

## Illinois Register Illinois Administrative Code Order Form

- |  |                |
|--|----------------|
| <input type="checkbox"/> Subscription to the Illinois Register (52 issues)             | \$290 annually |
| New <input type="checkbox"/> Renewal <input type="checkbox"/>                          |                |
| <input type="checkbox"/> Subscription to the Administrative Code on CD-ROM (4 updates) | \$290 annually |
| New <input type="checkbox"/> Renewal <input type="checkbox"/>                          |                |
| <input type="checkbox"/> Microfiche sets of Illinois Register 1977 through 1998        | \$ 200 per set |
| Specify Year(s) _____  |                |
| <input type="checkbox"/> Back Issue of the Illinois Register (Current Year Only)       | \$ 10 each     |
| Volume# _____ Issue# _____ Date: _____   |                |
| <input type="checkbox"/> Cumulative/Sections Affected Indices 1990-1999                | \$ 5 each      |
| Specify Year(s) _____  |                |
| <input type="checkbox"/> Cumulative Indices to Illinois Register 1981-1989             | \$ 1 each      |
| Specify Year(s) _____  |                |
| <input type="checkbox"/> Sections Affected Indices to Illinois Register 1984-1989      | \$ 1 each      |
| Specify Year(s) _____  |                |

### PREPAYMENT IS REQUIRED

Make Checks payable to: **Secretary of State**

Send Payment to: Index Department

111 E. Monroe

Springfield, IL 62756

Fax order to: 217-524-0930

TOTAL AMOUNT OF ORDER

\$

☐ Check ☐ VISA ☐ Master Card ☐ Discover, Card #: \_\_\_\_\_  
(There is a \$1.50 processing fee for credit card purchases.)

Expiration Date: \_\_\_\_\_ Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip Code: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

Published by **Jesse White** Secretary of State

# Illinois Registrar Illinois Administrative Code Order Form

Visit our website  
<http://www.sos.state.il.us>

|   |  |
|---|--|
| <input type="checkbox"/> New <input type="checkbox"/> Renewal | Subscription to the Illinois Register (ISSN 0013-788X)     |
| <input type="checkbox"/> New <input type="checkbox"/> Renewal | Subscription to the Administrative Code (ISSN 0001-6717)   |
| <input type="checkbox"/> Specify Year(s) _____                | Microfilm sets of Illinois Register (ISSN 0013-788X)       |
| <input type="checkbox"/> Volume _____ Issue _____             | Back issue of the Illinois Register (ISSN 0013-788X)       |
| <input type="checkbox"/> Specify Year(s) _____                | Cumulative Index/Section 24-1 (ISSN 0013-788X)             |
| <input type="checkbox"/> Specify Year(s) _____                | Cumulative Index to the Illinois Register (ISSN 0013-788X) |
| <input type="checkbox"/> Specify Year(s) _____                | Sections Affected from 1991 to 1992 (ISSN 0013-788X)       |

Make Checks payable to Secretary of State

For order to: \_\_\_\_\_

TOTAL AMOUNT OF ORDER: \_\_\_\_\_

Check ☐ VISA ☐ MasterCard ☐

Expiration Date: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip Code: \_\_\_\_\_

Phone: \_\_\_\_\_